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أعضاء لجنة المناقشة

د/مزوي محمد رضا رئيسا
د/أمحند برقوق مقررا
د/بن خلف الله عضوا
د/بن لرنب منصور عضوا

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[illegible]: [illegible]

المقدمة

[illegible]

(Comparative Efficiencies Of Global Actors)

[illegible]

[illegible] « Interpretative and comparative [1] [illegible]

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(Global Politics) (World Plitics)

l'autonomie

[illegible]

[illegible]

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1648

La Superposition

La Superposition

Les Etats Fédérés

Associer »

720 1977

« Unification »

Etat Unitaire

« La Conscience de [illegible] « La Conscience Nationale » [illegible]

[illegible] Classe »

[illegible]

[illegible]

[illegible]

(Houriou)

. [1]

1994 .23

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[illegible] (Drolsson) [illegible]
[illegible] .(2)

[illegible] (Raymond Aron) [illegible]
[illegible]
[illegible]
[illegible].

[illegible] (George Burdeau) [illegible]
[illegible]
[illegible] .(2)

[illegible] (Philippe Moore) [illegible]
[illegible]
[illegible]
[illegible] .(3)

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2 - [illegible] 21.

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II-1 [illegible]

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[illegible] (1)

[illegible] (Union incorporée) [illegible] 1947 [illegible] 27 [illegible] (2) [illegible] (3)

[illegible] Wallon [illegible] Flamands [illegible]

1 - [illegible] 76.

2 - [illegible] 1980 [illegible] 69 [illegible] 171.

3 - [illegible]

2- II

Etat Composé

Fédéralisme et Etat ... Confédération

... fédéral.

(1)

G.Scelle

P.Fauchille (une société des sociétés)

(2)

1- ... (1787-1778) ... (1848-1815) ... (1866-1815).

2- ...

[illegible] 1776 [illegible] 13 [illegible]
[illegible] 1787 [illegible] 1781 [illegible]
[illegible] 1787 [illegible]
[illegible]
[illegible] 1866 [illegible] 1815 [illegible]
[illegible]
.(1) [illegible] 1871 [illegible]

[illegible]

[illegible]
[illegible]
.(2) [illegible]

III - [illegible]

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[illegible]

[illegible] l'Etat central [illegible]

[illegible] les Communautés de base [illegible]

[illegible]

[illegible] Georges Scelle [illegible]

[illegible] (2)

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[illegible] ([1])"... [illegible]

[illegible] Foedus [illegible] ([2]) [illegible] .([3])[illegible]

[illegible] ([4]) [illegible].

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[illegible]
.« Les Etats Fédérés » [illegible]

[illegible]

[illegible] (Le Gouvernement Fédéral) [illegible] .([1]) [illegible]

[illegible]

- [illegible]

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Association d'Etats Unitaires

(1)

1789 ... 1776 ... 13

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[illegible] 1871 [illegible] (Reich) [illegible] 1866.

[illegible] 2

[illegible]

[illegible] 1917 [illegible] 1924 [illegible] 1922.

918

1993 1830

les Wallons les Flamands

(1)

(2)

2-III

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[illegible]

[1] [illegible] 1969 [illegible] 176.

[2] [illegible] 1977 [illegible] 154.

« compétence d'attribution »

« compétence générale »

Superposition

[1] Dicey « le sentiment fédéral »

[illegible] P.j. Proudhon [illegible]
[illegible] [1] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] forme unitaire [illegible]

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[illegible] - IV

[illegible]

[illegible] Superposition [illegible] Etat fédérés [illegible] Etat fédéral [illegible] associer » [illegible]

[illegible]

[1] [illegible] (1979-1978) [illegible]

[illegible] (72 [illegible] 1977 [illegible] (1) [illegible] Etat unitaire [illegible] « rassembler dans la liberté » [illegible] (la conscienc nationale) [illegible] .(la conscience de classe)

[illegible] "l'aspect unitaire"

1 [illegible] 1977 [illegible] 70 [illegible]

V – مفهوم [illegible]:

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.127-126

1869 Texas v.White

« fédéralisme unitaire »

1930

(1)

Unitarisme

1860

70-60 remis en cause par le « pouvoir noir »

Barry 1964

Goldwater

George Wallace 1968

Ronald Reagan 1980

le sénat

« Le sentiment fédéral » ... icey

"l'aspect unitaire"

[illegible] 1

[illegible]

[illegible] 1781 [illegible] 1765 [illegible] 1764 [illegible] York town [illegible] 1783 [illegible]

[illegible] 1898 [illegible] 1848 [illegible] 1846 [illegible] 1815 [illegible] 1812 [illegible] 1803 [illegible] 1890 [illegible] 1867 [illegible] (1865-1861).

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Bicéphale

Empeachement

1

1869 (06) 1789

Chief justice (09)

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1895

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1992

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1990

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2000 1999

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1918

1941 1929 1929 1918

1921

Karadjordjevic

1929

1931

[illegible]

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[illegible] - I

[illegible]

[illegible] 480 000 [illegible] 102173 [illegible] .([1])

[illegible]

[illegible]:

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[illegible]:

1 **[illegible]** [illegible] 13712 [illegible].

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I- [illegible]

[illegible] 1919 [illegible] [1]

[1] [illegible] 4970 .

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(L’aspect légal)

Fédéralisme international et

« association » fédéral

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Etat Unitaire

La courtoisie fédéral

La loyauté fédéral

. sabotage administratif

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(universalité)

الملاحق

ملحق رقم (1):

ملخص إتفاقيات دايتون

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Summary of the General Framework Agreement Fact Sheet Released by the Office of the Spokesman,U.S. Department of State,November 30, 1995.

The Dayton Proximity Talks culminated in the initialing of a General Framework Agreement for Peace in Bosnia and Herzegovina. It was initialed by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (FRY). The Agreement was witnessed by representatives of the Contact Group nations -- the United States, Britain, France, Germany, and Russia -- and the European Union Special Negotiator.

The Dayton Peace Agreement and its Annexes are summarized below.

- General Framework AgreementBosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia agree to fully respect the sovereign equality of one another and to settle disputes by peaceful means.

The FRY and Bosnia and Herzegovina recognize each other, and agree to discuss further aspects of their mutual recognition.

The parties agree to fully respect and promote fulfillment of the commitments made in the various Annexes, and they obligate themselves to respect human rights and the rights of refugees and displaced persons.

The parties agree to cooperate fully with all entities, including those authorized by the United Nations Security Council, in implementing the peace settlement and investigating and prosecuting war crimes and other violations of international humanitarian law.

- Annex 1-A: Military Aspects

The cease-fire that began with the agreement of October 5, 1995 will continue.

Foreign combatant forces currently in Bosnia are to be withdrawn within 30 days.

The parties must complete withdrawal of forces behind a zone of separation of approximately 4 km within an agreed period. Special provisions relate to Sarajevo and Gorazde.

As a confidence-building measure, the parties agree to withdraw heavy weapons and forces to cantonment/barracks areas within an agreed period and to demobilize forces which cannot be accommodated in those areas.

The agreement invites into Bosnia and Herzegovina a multinational military Implementation Force, the IFOR, under the command of NATO, with a grant of authority from the UN.

The IFOR will have the right to monitor and help ensure compliance with the agreement on military aspects and fulfill certain supporting tasks. The IFOR will have the right to carry out its mission vigorously, including with the use of force as necessary. It will have unimpeded freedom of movement, control over airspace, and status of forces protection.

A Joint Military Commission is established, to be chaired by the IFOR Commander. Persons under indictment by the International War Crimes Tribunal cannot participate.

Information on mines, military personnel, weaponry and other items must be provided to the Joint Military Commission within agreed periods.

All combatants and civilians must be released and transferred without delay in accordance with a plan to be developed by the International Committee of the Red Cross.

- Annex 1-B: Regional Stabilization

The Republic of Bosnia and Herzegovina, the Federation and the Bosnian Serb Republic must begin negotiations within 7 days, under Organization for Security and Cooperation in Europe (OSCE) auspices, with the objective of agreeing on confidence-building measures within 45 days. These could include, for example, restrictions on military deployments and exercises, notification of military activities and exchange of data.

These three parties, as well as Croatia and the Federal Republic of Yugoslavia, agree not to import arms for 90 days and not to import any heavy weapons, heavy weapons ammunition, mines, military aircraft, and helicopters for 180 days or until an arms control agreement takes effect.

All five parties must begin negotiations within 30 days, under OSCE auspices, to agree on numerical limits on holdings of tanks, artillery, armored combat vehicles, combat aircraft and attack helicopters.

If the parties fail to establish limits on these categories within 180 days, the agreement provides for specified limits to come into force for the parties.

The OSCE will organize and conduct negotiations to establish a regional balance in and around the former Yugoslavia.

- Annex 2: Inter-Entity Boundary

An Inter-Entity Boundary Line between the Federation and the Bosnian Serb Republic is agreed.

Sarajevo will be reunified within the Federation and will be open to all people of the country.

Gorazde will remain secure and accessible, linked to the Federation by a land corridor.

The status of Brcko will be determined by arbitration within one year.

- ## Annex 3: Elections

Free and fair, internationally supervised elections will be conducted within six to nine months for the Presidency and House of Representatives of Bosnia and Herzegovina, for the House of Representatives of the Federation and the National Assembly and presidency of the Bosnian Serb Republic, and, if feasible, for local offices.

Refugees and persons displaced by the conflict will have the right to vote (including by absentee ballot) in their original place of residence if they choose to do so.

The parties must create conditions in which free and fair elections can be held by protecting the right to vote in secret and ensuring freedom of expression and the press.

The OSCE is requested to supervise the preparation and conduct of these elections.

- ## All citizens of Bosnia and Herzegovina aged 18 or older listed on the 1991 Bosnian census are eligible

- ## Annex 4: Constitution

A new constitution for the Republic of Bosnia and Herzegovina, which will be known as "Bosnia and Herzegovina", will be adopted upon signature at Paris.

Bosnia and Herzegovina will continue as a sovereign state within its present internationally-recognized borders. It will consist of two entities: the Federation and the Bosnian Serb Republic.

The Constitution provides for the protection of human rights and the free movement of people, goods, capital and services throughout Bosnia and Herzegovina.

The central government will have a Presidency, a two chamber legislature, and a constitutional court. Direct elections will be held for the Presidency and one of the legislative chambers.

There will be a central bank and monetary system, and the central government will also have responsibilities for foreign policy, law enforcement, air traffic control, communications and other areas to be agreed.

Military coordination will take place through a committee including members of the Presidency.

No person who is serving a sentence imposed by the International Tribunal, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina.

- Annex 5: Arbitration

The Federation and the Bosnian Serb Republic agree to enter into reciprocal commitments to engage in binding arbitration to resolve disputes between them, and they agree to design and implement a system of arbitration. to vote.

- Annex 6: Human Rights

The agreement guarantees internationally recognized human rights and fundamental freedoms for all persons within Bosnia and Herzegovina.

A Commission on Human Rights, composed of a Human Rights Ombudsman and a Human Rights Chamber (court), is established.

The Ombudsman is authorized to investigate human rights violations, issue findings, and bring and participate in proceedings before the Human Rights Chamber.

The Human Rights Chamber is authorized to hear and decide human rights claims and to issue binding decisions.

The parties agree to grant UN human rights agencies, the OSCE, the International Tribunal and other organizations full access to monitor the human rights situation.

- Annex 7: Refugees and Displaced Persons

The agreement grants refugees and displaced persons the right to safely return home and regain lost property, or to obtain just compensation.

A Commission for Displaced Persons and Refugees will decide on return of real property or compensation, with the authority to issue final decisions.

All persons are granted the right to move freely throughout the country, without harassment or discrimination.

The parties commit to cooperate with the ICRC in finding all missing persons.

- Annex 8: Commission to Preserve National Monuments

A Commission to Preserve National Monuments is established.

The Commission is authorized to receive and act upon petitions to designate as National Monuments movable or immovable property of great importance to a group of people with common cultural, historic, religious or ethnic heritage.

When property is designated as a National Monument, the Entities will make every effort to take appropriate legal, technical, financial and other measures to protect and conserve the National Monument and refrain from taking deliberate actions which might damage it.

- Annex 9: Bosnia and Herzegovina Public Corporations

A Bosnia and Herzegovina Transportation Corporation is established to organize and operate transportation facilities, such as roads, railways and ports.

A Commission on Public Corporations is created to examine establishing other Bosnia and Herzegovina Public Corporations to operate joint public facilities, such as utilities and postal service facilities.

- Annex 10: Civilian Implementation

The parties request that a High Representative be designated, consistent with relevant UN Security Council resolutions, to coordinate and facilitate civilian aspects of the peace settlement, such as humanitarian aid, economic reconstruction, protection of human rights, and the holding of free elections.

The High Representative will chair a Joint Civilian Commission comprised of senior political representatives of the parties, the IFOR Commander and representatives of civilian organizations.

The High Representative has no authority over the IFOR.

- Annex 11: International Police Task Force

The UN is requested to establish a UN International Police Task Force (IPTF) to carry out various tasks, including training and advising local law enforcement personnel, as well as monitoring and inspecting law enforcement activities and facilities.

The IPTF will be headed by a Commissioner appointed by the UN Secretary General.

IPTF personnel must report any credible information on human rights violations to the Human Rights Commission, the International Tribunal or other appropriate organizations.

Annex1BAgreement on Regional Stabilization

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska (hereinafter the "Parties") have agreed as follows:

- Article I: General Obligations

The Parties agree that establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region. To this end, they agree on the importance of devising new forms of cooperation in the field of security aimed at building transparency and confidence and achieving balanced and stable defense force levels at the lowest numbers consistent with the Parties' respective security and the need to avoid an arms race in the region. They have approved the following elements for a regional structure for stability.

- Article II: Confidence- and Security-Building Measures in Bosnia and Herzegovina

Within seven days after this Agreement (hereinafter "Annex") enters into force, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska shall at an appropriately high political level commence negotiations under the auspices of the Organization for Security and Cooperation in Europe (hereinafter "OSCE") to agree upon a series of measures to enhance mutual confidence and reduce the risk of conflict, drawing fully upon the 1994 Vienna Document of the Negotiations on Confidence- and Security-Building Measures of the OSCE. The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following:

a. restrictions on military deployments and exercises in certain geographical areas;
b. restraints on the reintroduction of foreign Forces in light of Article III of Annex 1-A to the General Framework Agreement;
c. restrictions on locations of heavy weapons;
d. withdrawal of Forces and heavy weapons to cantonment/barracks areas or other designated locations as provided in Article IV of Annex 1-A;
e. notification of disbandment of special operations and armed civilian groups;
f. notification of certain planned military activities, including international military assistance and training programs;

g. identification of and monitoring of weapons manufacturing capabilities;
h. immediate exchange of data on the holdings of the five Treaty on Conventional Armed Forces in Europe (hereinafter "CFE") weapons categories as defined in the CFE Treaty, with the additional understanding that artillery pieces will be defined as those of 75mm calibre and above; and

immediate establishment of military liaison missions between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska;

- Article III: Regional Confidence- and Security-Building Measures

To supplement the measures in Article II above on a wider basis, the Parties agree to initiate steps toward a regional agreement on confidence- and security-building measures. The Parties agree:

a. not to import any arms for ninety (90) days after this Annex enters into force;
b. not to import for 180 days after this Annex enters into force or until the arms control agreement referred to in Article IV below takes effect, whichever is the earlier, heavy weapons or heavy weapons ammunition, mines, military aircraft, and helicopters. Heavy weapons refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above.

- Article IV: Measures for Sub-Regional Arms Control

1. Recognizing the importance of achieving balanced and stable defense force levels at the lowest numbers consistent with their respective security, and understanding that the establishment of a stable military balance based on the lowest level of armaments will be an essential element in preventing the recurrence of conflict, the Parties within thirty (30) days after this Annex enters into force shall commence negotiations under the auspices of the OSCE to reach early agreement on levels of armaments consistent with this goal. Within thirty (30) days after this Annex enters into force, the Parties shall also commence negotiations on an agreement establishing voluntary limits on military manpower.

2. The Parties agree that the armaments agreement should be based at a minimum on the following criteria: population size, current military armament holdings, defense needs, and relative force levels in the region.

a. The agreement shall establish numerical limits on holdings of tanks, artillery, armored combat vehicles, combat aircraft, and attack helicopters, as defined in the relevant sections of the CFE Treaty, with the additional understanding that artillery pieces will be defined as those of 75 mm calibre and above.
b. In order to establish a baseline, the Parties agree to report within thirty (30) days after this Annex enters into force their holdings as defined in sub-paragraph (a) above, according to the format prescribed in the 1992 Vienna Document of the OSCE.
c. This notification format shall be supplemented to take into account the special considerations of the region.

3. The Parties agree to complete within 180 days after this Annex enters into force the negotiations above on agreed numerical limits on the categories referred to in paragraph 2(a) of this Article. If the Parties fail to agree to such limits within 180 days after this Annex enters into force, the following limits shall apply, according to a ratio of 5:2:2 based on the approximate ratio of populations of the Parties:
    1. the baseline shall be the determined holdings of the Federal Republic of Yugoslavia (hereinafter the "baseline");
    2. the limits for the Federal Republic of Yugoslavia shall be seventy-five (75) percent of the baseline;
    3. the limits for the Republic of Croatia shall be thirty (30) percent of the baseline;
    4. the limits for Bosnia and Herzegovina shall be thirty (30) percent of the baseline; and
    5. the allocations for Bosnia and Herzegovina will be divided between the Entities on the basis of a ratio of two (2) for the Federation of Bosnia and Herzegovina and one (1) for the Republika Srpska.

The OSCE will assist the Parties in their negotiations underArticles II and IV of this Annex and in the implementation and verification (including verification of holdings declarations) of resulting agreements.

- Article V: Regional Arms Control Agreement

The OSCE will assist the Parties by designating a special representative to help organize and conduct negotiations under the auspices of the OSCE Forum on Security Cooperation ("FSC") with the goal of establishing a regional balance in and around the former Yugoslavia. The Parties undertake to cooperate fully with the OSCE to that end and to facilitate regular inspections by other parties. Further, the Parties agree to establish a commission together with representatives of the OSCE for the purpose of facilitating the resolution of any disputes that might arise.

- Article VI: Entry into Force

This Annex shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Republic of Croatia

For the Federal Republic of Yugoslavia

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Annex2Agreement on Inter-Entity Boundary Line and Related Issues (With Appendix)

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

- Article I: Inter-Entity Boundary Line

The boundary between the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Inter-Entity Boundary Line") shall be as delineated on the map at the Appendix.

- Article II: Adjustment by the Parties

The Parties may adjust the Inter-Entity Boundary Line only by mutual consent. During the period in which the multinational military Implementation Force ("IFOR") is deployed pursuant to Annex 1-A to the General Framework Agreement, the Parties shall consult with the IFOR Commander prior to making any agreed adjustment and shall provide notification of such adjustment to the IFOR Commander.

- Article III: Rivers

1. Where the Inter-Entity Boundary Line follows a river, the line shall follow natural changes (accretion or erosion) in the course of the river unless otherwise agreed. Artificial changes in the course of the river shall not affect the location of the Inter-Entity Boundary Line unless otherwise agreed. No artificial changes may be made except by agreement among the Parties.

In the event of sudden natural changes in the course of the river (avulsion or cutting of new bed), the line shall be determined by mutual agreement of the Parties. If such event occurs during the period in which the IFOR is deployed, any such determination shall be subject to the approval of the IFOR Commander.

- Article IV: Delineation and Marking

1. The line on the 1:50,000 scale map to be provided for the Appendix delineating the Inter-Entity Boundary Line, and the lines on the 1:50,000 scale map to be provided for Appendix A to Annex 1-A delineating the Inter-Entity Zone of Separation and the Agreed Cease-Fire Line and its Zone of Separation, which are accepted by the Parties as controlling and definitive, are accurate to within approximately 50 meters. During the period in which the IFOR is deployed, the IFOR Commander shall have the right to determine, after consultation with the Parties, the exact delineation of such Lines and Zones, provided that with respect to Sarajevo the IFOR Commander shall have the right to adjust the Zone of Separation as necessary.
2. The Lines and Zones described above may be marked by representatives of the Parties in coordination with and under the supervision of the IFOR. Final authority for placement of such markers shall rest with the IFOR. These Lines and Zones are defined by the maps and documents agreed to by the Parties and not by the physical location of markers.
3. Following entry into force of this Agreement, the Parties shall form a joint commission, comprised of an equal number of representatives from each Party, to prepare an agreed technical document containing a precise description of the Inter-Entity Boundary Line. Any such document prepared during the period in which the IFOR is deployed shall be subject to the approval of the IFOR Commander.

- Article V: Arbitration for the Brcko Area

1. The Parties agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line in the Brcko area indicated on the map attached at the Appendix.
2. No later than six months after the entry into force of this Agreement, the Federation shall appoint one arbitrator, and the Republika Srpska shall appoint one arbitrator. A third arbitrator shall be selected by agreement of the Parties' appointees within thirty days thereafter. If they do not agree, the third arbitrator shall be appointed by the President of the International Court of Justice. The third arbitrator shall serve as presiding officer of the arbitral tribunal.
3. Unless otherwise agreed by the Parties, the proceedings shall be conducted in accordance with the UNCITRAL rules. The arbitrators shall apply relevant legal and equitable principles.
4. Unless otherwise agreed, the area indicated in paragraph 1 above shall continue to be administered as currently.

The arbitrators shall issue their decision no later than one year from the entry into force of this Agreement. The decision shall be final and binding, and the Parties shall implement it without delay.

- Article VI: Transition

In those areas transferring from one Entity to the other in accordance with the demarcation described herein, there shall be a transitional period to provide for the orderly transfer of authority. The transition shall be completed forty-five (45) days after the Transfer of Authority from the UNPROFOR Commander to the IFOR Commander, as described in Annex 1-A.

- Article VII: Status of Appendix

The Appendix shall constitute an integral part of this Agreement.

- Article VIII: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Endorsed:

For the Republic of Croatia

Endorsed:

For the Federal Republic of Yugoslavia

- Appendix to Annex 2The Appendix to Annex 2 consists of this document together with

a. a 1:600,000 scale UNPROFOR road map consisting of one map sheet, attached hereto; and
b. a 1:50,000 scale Topographic Line Map, to be provided as described below.

On the basis of the attached 1:600,000 scale map, the Parties request that the United States Department of Defense provide a 1:50,000 scale Topographic Line Map, consisting of as many map sheets as necessary, in order to provide a more precise delineation of the Inter-Entity Boundary Line. Such map shall be incorporated as an integral part of this Appendix, and the Parties agree to accept such map as controlling and definitive for all purposes.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Endorsed:

For the Republic of Croatia

Endorsed:

For the Federal Republic of Yugoslavia

[MAP NOT AVAILABLE]

Annex3Agreement on Elections

In order to promote free, fair, and democratic elections and to lay the foundation for representative government and ensure the progressive achievement of democratic goals throughout Bosnia and Herzegovina, in accordance with relevant documents of the Organization for Security and Cooperation in Europe (OSCE), the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska ("the Parties") have agreed as follows:

- Article I: Conditions for Democratic Elections

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment; shall protect and enforce the right to vote in secret without fear or intimidation; shall ensure freedom of expression and of the press; shall allow and encourage freedom of association (including of political parties); and shall ensure freedom of movement.
2. The Parties request the OSCE to certify whether elections can be effective under current social conditions in both Entities and, if necessary, to provide assistance to the Parties in creating these conditions.
3. The Parties shall comply fully with paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Agreement.

- Article II: The OSCE Role

1. **OSCE.** The Parties request the OSCE to adopt and put in place an elections program for Bosnia and Herzegovina as set forth in this Agreement.
2. **Elections.** The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for the House of Representatives of Bosnia and Herzegovina; for the Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republika Srpska; for the Presidency

of the Republika Srpska; and, if feasible, for cantonal legislatures and municipal governing authorities.

3. **The Commission.** To this end, the Parties request the OSCE to establish a Provisional Election Commission ("the Commission").

Timing. Elections shall take place on a date ("Election Day") six months after entry into force of this Agreement or, if the OSCE determines a delay necessary, no later than nine months after entry into force.

- Article III: The Provisional Election Commission

1. **Rules and Regulations.** The Commission shall adopt electoral rules and regulations regarding: the registration of political parties and independent candidates; the eligibility of candidates and voters; the role of domestic and international election observers; the ensuring of an open and fair electoral campaign; and the establishment, publication, and certification of definitive election results. The Parties shall comply fully with the electoral rules and regulations, any internal laws and regulations notwithstanding.
2. **Mandate of the Commission.** The responsibilities of the Commission, as provided in the electoral rules and regulations, shall include:
    a. supervising all aspects of the electoral process to ensure that the structures and institutional framework for free and fair elections are in place;
    b. determining voter registration provisions;
    c. ensuring compliance with the electoral rules and regulations established pursuant to this Agreement;
    d. ensuring that action is taken to remedy any violation of any provision of this Agreement or of the electoral rules and regulations established pursuant to this Agreement, including imposing penalties against any person or body that violates such provisions; and
    e. accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant accredited observers unimpeded access and movement.

3. **Composition and Functioning of the Commission.** The Commission shall consist of the Head of the OSCE Mission, the High Representative or his or her designee, representatives of the Parties, and such other persons as the Head of the OSCE Mission, in consultation with the Parties, may decide. The Head of the OSCE Mission shall act as Chairman of the Commission. In the event of disputes within the Commission, the decision of the Chairman shall be final.

Privileges and Immunities. The Chairman and Commission shall enjoy the right to establish communications facilities and to engage local and administrative staff, and the status, privileges and immunities accorded to a diplomatic agent and mission under the Vienna Convention on Diplomatic Relations.

- Article IV: Eligibility

1. **Voters.** Any citizen of Bosnia and Herzegovina aged 18 or older whose name appears on the 1991 census for Bosnia and Herzegovina shall be eligible, in accordance with electoral rules and regulations, to vote. A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality, provided that the person is determined to have been registered in that municipality as confirmed by the local election commission and the Provisional Election Commission.

   Such a citizen may, however, apply to the Commission to cast his or her ballot elsewhere. The exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina. By Election Day, the return of refugees should already be underway, thus allowing many to participate in person in elections in Bosnia and Herzegovina. The Commission may provide in the electoral rules and regulations for citizens not listed in the 1991 census to vote.

- Article V: Permanent Election Commission

The Parties agree to create a permanent Election Commission with responsibilities to conduct future elections in Bosnia and Herzegovina.

- Article VI: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

- Attachment to Annex 3 on Elections

Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990.

Paragraphs 7 and 8:

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) - The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

Annex4Constitution of Bosnia and Herzegovina

- Preamble

Based on respect for human dignity, liberty, and equality,

Dedicated to peace, justice, tolerance, and reconciliation,

Convinced that democratic governmental institutions and fair procedures best produce peaceful relations within a pluralist society,

Desiring to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy,

Guided by the Purposes and Principles of the Charter of the United Nations,

Committed to the sovereignty, territorial integrity, and political independence of Bosnia and Herzegovina in accordance with international law,

Determined to ensure full respect for international humanitarian law,

Inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments,

Recalling the Basic Principles agreed in Geneva on September 8, 1995, and in New York on September 26, 1995,

Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows:

- Article I: Bosnia and Herzegovina

1. **Continuation.** The Republic of Bosnia and Herzegovina, the official name of which shall henceforth be "Bosnia and Herzegovina," shall continue its legal existence under international law as a state, with its internal structure modified as provided herein and with its present internationally recognized borders. It shall remain a Member State of the United Nations and may as Bosnia and Herzegovina maintain or apply for membership in organizations within the United Nations system and other international organizations.
2. **Democratic Principles.** Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections.
3. **Composition.** Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter "the Entities").
4. **Movement of Goods.** Services. Capital. and Persons. There shall be freedom of movement throughout Bosnia and Herzegovina. Bosnia and Herzegovina and the Entities shall not impede full freedom of movement of persons, goods, services, and capital throughout Bosnia and Herzegovina. Neither Entity shall establish controls at the boundary between the Entities.
5. **Capital.** The capital of Bosnia and Herzegovina shall be Sarajevo.
6. **Symbols.** Bosnia and Herzegovina shall have such symbols as are decided by its Parliamentary Assembly and approved by the Presidency.

7. **Citizenship.** There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:
    a. All citizens of either Entity are thereby citizens of Bosnia and Herzegovina.
    b. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
    c. All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized after April 6, 1992 and before the entry into force of this Constitution will be regulated by the Parliamentary Assembly.
    d. Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence.

A citizen of Bosnia and Herzegovina abroad shall enjoy the protection of Bosnia and Herzegovina. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall be a central register of all passports issued by the Entities and by Bosnia and Herzegovina

- Article II: Human Rights and Fundamental Freedoms

1. **Human Rights.** Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. To that end, there shall be a Human Rights Commission for Bosnia and Herzegovina as provided for in Annex 6 to the General Framework Agreement.
2. **International Standards.** The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.
3. **Enumeration of Rights.** All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include:
    a. The right to life.
    b. The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
    c. The right not to be held in slavery or servitude or to perform forced or compulsory labor.
    d. The rights to liberty and security of person.
    e. The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.

f. The right to private and family life, home, and correspondence.
g. Freedom of thought, conscience, and religion.
h. Freedom of expression.
i. Freedom of peaceful assembly and freedom of association with others.
j. The right to marry and to found a family.
k. The right to property.
l. The right to education.
m. The right to liberty of movement and residence.

4. **Non-Discrimination.** The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
5. **Refugees and Displaced Persons.** All refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with Annex 7 to the General Framework Agreement, to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void.
6. **Implementation.** Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities operated by or within the Entities, shall apply and conform to the human rights and fundamental freedoms referred to in paragraph 2 above.
7. **International Agreements.** Bosnia and Herzegovina shall remain or become party to the international agreements listed in Annex I to this Constitution.

Cooperation. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to: any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in Annex I to this Constitution; the International Tribunal for the Former Yugoslavia (and in particular shall comply with orders issued pursuant to Article 29 of the Statute of the Tribunal); and any other organization authorized by the United Nations Security Council with a mandate concerning human rights or humanitarian law.

- Article III: Responsibilities of and Relations Between the Institutions of Bosnia and Herzegovina and the Entities

1. **Responsibilities of the Institutions of Bosnia and Herzegovina.** The following matters are the responsibility of the institutions of Bosnia and Herzegovina:
   a. Foreign policy.
   b. Foreign trade policy.
   c. Customs policy.
   d. Monetary policy as provided in Article VII.
   e. Finances of the institutions and for the international obligations of Bosnia and Herzegovina.
   f. Immigration, refugee, and asylum policy and regulation.

g. International and inter-Entity criminal law enforcement, including relations with Interpol.
h. Establishment and operation of common and international communications facilities.
i. Regulation of inter-Entity transportation.
j. Air traffic control.

2. **Responsibilities of the Entities.**

a. The Entities shall have the right to establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

b. Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honor the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.

c. The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.

d. Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

3. **Law and Responsibilities of the Entities and the Institutions.**

   a. All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.

   b. The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities.

4. **Coordination.** The Presidency may decide to facilitate inter-Entity coordination on matters not within the responsibilities of Bosnia and Herzegovina as provided in this Constitution, unless an Entity objects in any particular case.

5. **Additional Responsibilities.**
   a. Bosnia and Herzegovina shall assume responsibility for such other matters as are agreed by the Entities; are provided for in Annexes 5 through 8 to the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina, in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina. Additional institutions may be established as necessary to carry out such responsibilities.

Within six months of the entry into force of this Constitution, the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and cooperative economic projects.

- Article IV: Parliamentary Assembly

The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.

1. **House of Peoples.** The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniacs) and one-third from the Republika Srpska (five Serbs).
    a. The designated Croat and Bosniac Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.
    b. Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present.

2. **House of Representatives.** The House of Representatives shall comprise 42 Members, two- thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.
    a. Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.
    b. A majority of all members elected to the House of Representatives shall comprise a quorum.

3. **Procedures.**

    a. Each chamber shall be convened in Sarajevo not more than 30 days after its selection or election.
    b. Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniac, and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.
    c. All legislation shall require the approval of both chambers.
    d. All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.
    e. A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniac, Croat, or Serb people by a majority of, as appropriate, the Bosniac, Croat, or Serb Delegates selected in accordance with paragraph l(a) above. Such a proposed decision shall require

for approval in the House of Peoples a majority of the Bosniac, of the Croat, and of the Serb Delegates present and voting.

f. When a majority of the Bosniac, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniac, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.
g. The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.
h. Decisions of the Parliamentary Assembly shall not take effect before publication.
i. Both chambers shall publish a complete record of their deliberations and shall, save in exceptional circumstances in accordance with their rules, deliberate publicly.
j. Delegates and Members shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Parliamentary Assembly.

4. **Powers.** The Parliamentary Assembly shall have responsibility for:
   a. Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.
   b. Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina.
   c. Approving a budget for the institutions of Bosnia and Herzegovina.
   d. Deciding whether to consent to the ratification of treaties.

Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

- Article V: Presidency

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.

1. **Election and Term.**
   a. Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

b. The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

2. **Procedures.**
   a. The Presidency shall determine its own rules of procedure, which shall provide for adequate notice of all meetings of the Presidency.
   b. The Members of the Presidency shall appoint from their Members a Chair. For the first term of the Presidency, the Chair shall be the Member who received the highest number of votes. Thereafter, the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly, subject to Article IV(3).
   c. The Presidency shall endeavor to adopt all Presidency Decisions (i.e., those concerning matters arising under Article III(l)(a) - (e)) by consensus. Such decisions may, subject to paragraph (d) below, nevertheless be adopted by two Members when all efforts to reach consensus have failed.
   d. A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

3. **Powers**. The Presidency shall have responsibility for:
   a. Conducting the foreign policy of Bosnia and Herzegovina.
   b. Appointing ambassadors and other international representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.
   c. Representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such organizations and institutions of which Bosnia and Herzegovina is not a member.
   d. Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.
   e. Executing decisions of the Parliamentary Assembly.
   f. Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.
   g. Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.
   h. Coordinating as necessary with international and nongovernmental organizations in Bosnia and Herzegovina.

i. Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

4. **Council of Ministers.** The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

   a. Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III(1), (4), and (5) and reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina).
   b. No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.
   c. The Council of Ministers shall resign if at any time there is a vote of no-confidence by the Parliamentary Assembly.

5. **Standing Committee.**
   a. Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.

The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

- Article VI: Constitutional Court

1. **Composition.** The Constitutional Court of Bosnia and Herzegovina shall have nine members.

a. Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.
b. Judges shall be distinguished jurists of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.
c. The term of judges initially appointed shall be five years, unless they resign or are removed for cause by consensus of the other judges. Judges initially appointed shall not be eligible for reappointment. Judges subsequently appointed shall serve until age 70, unless they resign or are removed for cause by consensus of the other judges.
d. For appointments made more than five years after the initial appointment of judges, the Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights.

2. **Procedures.**

a. A majority of all members of the Court shall constitute a quorum.
b. The Court shall adopt its own rules of court by a majority of all members. It shall hold public proceedings and shall issue reasons for its decisions, which shall be published.

3. **Jurisdiction.** The Constitutional Court shall uphold this Constitution.

a. The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:
    - Whether an Entity's decision to establish a special parallel relationship with a neighboring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.
    - Whether any provision of an Entity's constitution or law is consistent with this Constitution.

   Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

b. The Constitutional Court shall also have appellate jurisdiction over issues under this Constitution arising out of a judgment of any other court in Bosnia and Herzegovina.
c. The Constitutional Court shall have jurisdiction over issues referred by any court in Bosnia and Herzegovina concerning whether a law, on whose validity its decision depends, is compatible with this Constitution, with the European Convention for Human Rights and Fundamental Freedoms and its Protocols, or with the laws of Bosnia and Herzegovina; or concerning the existence of or the scope of a general rule of public international law pertinent to the court's decision.

Decisions. Decisions of the Constitutional Court shall be final and binding.

- Article VII: Central Bank

There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

1. The Central Bank's responsibilities will be determined by the Parliamentary Assembly. For the first six years after the entry into force of this Constitution, however, it may not extend credit by creating money, operating in this respect as a currency board; thereafter, the Parliamentary Assembly may give it that authority.
2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.
3. Thereafter, the Governing Board of the Central Bank of Bosnia and Herzegovina shall consist of five persons appointed by the Presidency for a term of six years. The Board shall appoint, from among its members, a Governor for a term of six years.

- Article VIII: Finances

1. The Parliamentary Assembly shall each year, on the proposal of the Presidency, adopt a budget covering the expenditures required to carry out the responsibilities of institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina.
2. If no such budget is adopted in due time, the budget for the previous year shall be used on a provisional basis.
3. The Federation shall provide two-thirds, and the Republika Srpska one-third, of the revenues required by the budget, except insofar as revenues are raised as specified by the Parliamentary Assembly.

- Article IX: General Provisions

1. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina.
2. Compensation for persons holding office in the institutions of Bosnia and Herzegovina may not be diminished during an officeholder's tenure.

Officials appointed to positions in the institutions of Bosnia and Herzegovina shall be generally representative of the peoples of Bosnia and Herzegovina.

- Article X: Amendment

1. Amendment Procedure. This Constitution may be amended by a decision of the Parliamentary Assembly, including a two-thirds majority of those present and voting in the House of Representatives.
2. Human Rights and Fundamental Freedoms. No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph.

- Article XI: Transitional Arrangements

Transitional arrangements concerning public offices, law, and other matters are set forth in Annex II to this Constitution.

- Article XII: Entry into Force

1. This Constitution shall enter into force upon signature of the General Framework Agreement as a constitutional act amending and superseding the Constitution of the Republic of Bosnia and Herzegovina.
2. Within three months from the entry into force of this Constitution, the Entities shall amend their respective constitutions to ensure their conformity with this Constitution in accordance with Article III(3)(b).

- Annex I: Additional Human Rights Agreements To Be Applied In Bosnia And Herzegovina

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto
3. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
4. 1957 Convention on the Nationality of Married Women
5. 1961 Convention on the Reduction of Statelessness

6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
7. 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto
8. 1966 Covenant on Economic, Social and Cultural Rights
9. 1979 Convention on the Elimination of All Forms of Discrimination against Women
10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
11. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
12. 1989 Convention on the Rights of the Child
13. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
14. 1992 European Charter for Regional or Minority Languages

1994 Framework Convention for the Protection of National Minorities

- Annex II: Transitional Arrangements

1. **Joint Interim Commission.**
   a. The Parties hereby establish a Joint Interim Commission with a mandate to discuss practical questions related to the implementation of the Constitution of Bosnia and Herzegovina and of the General Framework Agreement and its Annexes, and to make recommendations and proposals.
   b. The Joint Interim Commission shall be composed of four persons from the Federation, three persons from the Republika Srpska, and one representative of Bosnia and Herzegovina.
   c. Meetings of the Commission shall be chaired by the High Representative or his or designee.
2. **Continuation of Laws.**

   All laws, regulations, and judicial rules of procedure in effect within the territory of Bosnia and Herzegovina when the Constitution enters into force shall remain in effect to the extent not inconsistent with the Constitution, until otherwise determined by a competent governmental body of Bosnia and Herzegovina .

3. **Judicial and Administrative Proceedings.**

   All proceedings in courts or administrative agencies functioning within the territory of Bosnia and Herzegovina when the Constitution enters into force shall continue in or be transferred to other courts or agencies in Bosnia and Herzegovina in accordance with any legislation governing the competence of such courts or agencies.

4. **Offices.**

   Until superseded by applicable agreement or law, governmental offices, institutions, and other bodies of Bosnia and Herzegovina will operate in accordance with applicable law.

5. **Treaties.**

Any treaty ratified by the Republic of Bosnia and Herzegovina between January 1, 1992 and the entry into force of this Constitution shall be disclosed to Members of the Presidency within 15 days of their assuming office; any such treaty not disclosed shall be denounced. Within six months after the Parliamentary Assembly is first convened, at the request of any member of the Presidency, the Parliamentary Assembly shall consider whether to denounce any other such treaty.

- Declaration On Behalf Of The Republic Of Bosnia And Herzegovina

The Republic of Bosnia and Herzegovina approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the Republic of Bosnia and Herzegovina

- Declaration On Behalf Of The Federation Of Bosnia And Herzegovina

The Federation of Bosnia and Herzegovina, on behalf of its constituent peoples and citizens, approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the Federation of Bosnia and Herzegovina

- Declaration On Behalf Of The Republika Srpska

The Republika Srpska approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the Republika Srpska

Annex5Agreement on Arbitration

The Federation of Bosnia and Herzegovina and the Republika Srpska agree to honor the following obligations as set forth in the Agreed Basic Principles adopted at Geneva on September 8, 1995, by the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia, the latter representing also the Republika Srpska:

Paragraph 2.4. "*The two entities will enter into reciprocal commitments. . .(c) to engage in binding arbitration to resolve disputes between them.*"

Paragraph 3. "*The entities have agreed in principle to the following:... 3.5 The design and implementation of a system of arbitration for the solution of disputes between the two entities.*"

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Annex6Agreement on Human Rights

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

- Chapter One: Respect for Human Rights

Article I: Fundamental Rights and Freedoms

The Parties shall secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include:

1. The right to life.
2. The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
3. The right not to be held in slavery or servitude or to perform forced or compulsory labor.
4. The rights to liberty and security of person.
5. The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.
6. The right to private and family life, home, and correspondence.
7. Freedom of thought, conscience and religion.
8. Freedom of expression.
9. Freedom of peaceful assembly and freedom of association with others.
10. The right to marry and to found a family.
11. The right to property.
12. The right to education.
13. The right to liberty of movement and residence.

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- Chapter Two: The Commission on Human Rights

Part A: General

Article II: Establishment of the Commission

1. To assist in honoring their obligations under this Agreement, the Parties hereby establish a Commission on Human Rights (the "Commission"). The Commission shall consist of two parts: the Office of the Ombudsman and the Human Rights Chamber.
2. The Office of the Ombudsman and the Human Rights Chamber shall consider, as subsequently described:
    a. alleged or apparent violations of human rights as provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, or
    b. alleged or apparent discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status arising in the enjoyment of any of the rights and freedoms provided for in the international agreements listed in the Appendix to this Annex, where such violation is alleged or appears to have been committed by the Parties, including by any official or organ of the Parties, Cantons, Municipalities, or any individual acting under the authority of such official or organ.
3. The Parties recognize the right of all persons to submit to the Commission and to other human rights bodies applications concerning alleged violations of human rights, in accordance with the procedures of this Annex and such bodies. The Parties shall not undertake any punitive action directed against persons who intend to submit, or have submitted, such allegations.

Article III: Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff. There shall be an Executive Officer, appointed jointly by the Ombudsman and the President of the Chamber, who shall be responsible for all necessary administrative arrangements with respect to facilities and staff. The Executive Officer shall be subject to the direction of the Ombudsman and the President of the Chamber insofar as concerns their respective administrative and professional office staff.

Article IV: Human Rights Ombudsman

1. The Parties hereby establish the Office of the Human Rights Ombudsman (the "Ombudsman").
2. The Ombudsman shall be appointed for a non-renewable term of five years by the Chairman- in-Office of the Organization for Security and Cooperation in Europe (OSCE), after consultation with the Parties. He or she shall be independently responsible for choosing his or her own staff. Until the transfer described in Article XIV below, the Ombudsman may not be a citizen of

Bosnia and Herzegovina or of any neighboring state. The Ombudsman appointed after that transfer shall be appointed by the Presidency of Bosnia and Herzegovina.
3. Members of the Office of the Ombudsman must be of recognized high moral standing and have competence in the field of international human rights.

The Office of the Ombudsman shall be an independent agency. In carrying out its mandate, no person or organ of the Parties may interfere with its functions.

Article V: Jurisdiction of the Ombudsman

1. Allegations of violations of human rights received by the Commission shall generally be directed to the Office of the Ombudsman, except where an applicant specifies the Chamber.
2. The Ombudsman may investigate, either on his or her own initiative or in response to an allegation by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, alleged or apparent violations of human rights within the scope of paragraph 2 of Article II. The Parties undertake not to hinder in any way the effective exercise of this right.
3. The Ombudsman shall determine which allegations warrant investigation and in what priority, giving particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.
4. The Ombudsman shall issue findings and conclusions promptly after concluding an investigation. A Party identified as violating human rights shall, within a specified period, explain in writing how it will comply with the conclusions.
5. Where an allegation is received which is within the jurisdiction of the Human Rights Chamber, the Ombudsman may refer the allegation to the Chamber at any stage.
6. The Ombudsman may also present special reports at any time to any competent government organ or official. Those receiving such reports shall reply within a time limit specified by the Ombudsman, including specific responses to any conclusions offered by the Ombudsman.

The Ombudsman shall publish a report, which, in the event that a person or entity does not comply with his or her conclusions and recommendations, will be forwarded to the High Representative described in Annex 10 to the General Framework Agreement while such office exists, as well as referred for further action to the Presidency of the appropriate Party. The Ombudsman may also initiate proceedings before the Human Rights Chamber based on such Report. The Ombudsman may also intervene in any proceedings before the Chamber.

Article VI: Powers

1. The Ombudsman shall have access to and may examine all official documents, including classified ones, as well as judicial and administrative files, and can require any person, including a government official, to cooperate by providing relevant information, documents and files. The Ombudsman may attend administrative hearings and meetings of other organs and may enter and inspect any place where persons deprived of their liberty are confined or work.

The Ombudsman and staff are required to maintain the confidentiality of all confidential information obtained, except where required by order of the Chamber, and shall treat all documents and files in accordance with applicable rules.

Part C: Human Rights Chamber

Article VII: Human Rights Chamber

1. The Human Rights Chamber shall be composed of fourteen members.
2. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members and the Republika Srpska shall appoint two members. The Committee of Ministers of the Council of Europe, pursuant to its resolution (93)6, after consultation with the Parties, shall appoint the remaining members, who shall not be citizens of Bosnia and Herzegovina or any neighboring state, and shall designate one such member as the President of the Chamber.
3. All members of the Chamber shall possess the qualifications required for appointment to high judicial office or be jurists of recognized competence. The members of the Chamber shall be appointed for a term of five years and may be reappointed.

Members appointed after the transfer described in Article XIV below shall be appointed by the Presidency of Bosnia and Herzegovina

Article VIII: Jurisdiction of the Chamber

1. The Chamber shall receive by referral from the Ombudsman on behalf of an applicant, or directly from any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, for resolution or decision applications concerning alleged or apparent violations of human rights within the scope of paragraph 2 of Article II.
2. The Chamber shall decide which applications to accept and in what priority to address them. In so doing, the Chamber shall take into account the following criteria:
    a. Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted and that the application has been filed with the Commission within six months from such date on which the final decision was taken.
    b. The Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber or has already been submitted to another procedure or international investigation or settlement.
    c. The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.
    d. The Chamber may reject or defer further consideration if the application concerns a matter currently pending before any other international human rights body responsible for the adjudication of applications or the decision of cases, or any other Commission established by the Annexes to the General Framework Agreement.

e. In principle, the Chamber shall endeavor to accept and to give particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.
f. Applications which entail requests for provisional measures shall be reviewed as a matter of priority in order to determine (1) whether they should be accepted and, if so (2) whether high priority for the scheduling of proceedings on the provisional measures request is warranted.

The Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such result is consistent with the objective of respect for human rights

Article IX: Friendly Settlement

1. At the outset of a case or at any stage during the proceedings, the Chamber may attempt to facilitate an amicable resolution of the matter on the basis of respect for the rights and freedoms referred to in this Agreement.

If the Chamber succeeds in effecting such a resolution it shall publish a Report and forward it to the High Representative described in Annex 10 to the General Framework Agreement while such office exists, the OSCE and the Secretary General of the Council of Europe. Such a Report shall include a brief statement of the facts and the resolution reached. The report of a resolution in a given case may, however, be confidential in whole or in part where necessary for the protection of human rights or with the agreement of the Chamber and the parties concerned.

Article X: Proceedings before the Chamber

1. The Chamber shall develop fair and effective procedures for the adjudication of applications. Such procedures shall provide for appropriate written pleadings and, on the decision of the Chamber, a hearing for oral argument or the presentation of evidence. The Chamber shall have the power to order provisional measures, to appoint experts, and to compel the production of witnesses and evidence.
2. The Chamber shall normally sit in panels of seven, composed of two members from the Federation, one from the Republika Srpska, and four who are not citizens of Bosnia and Herzegovina or any neighboring state. When an application is decided by a panel, the full Chamber may decide, upon motion of a party to the case or the Ombudsman, to review the decision; such review may include the taking of additional evidence where the Chamber so decides. References in this Annex to the Chamber shall include, as appropriate, the Panel, except that the power to develop general rules, regulations and procedures is vested in the Chamber as a whole.
3. Except in exceptional circumstances in accordance with rules, hearings of the Chamber shall be held in public.
4. Applicants may be represented in proceedings by attorneys or other representatives of their choice, but shall also be personally present unless excused by the Chamber on account of hardship, impossibility, or other good cause.

The Parties undertake to provide all relevant information to, and to cooperate fully with, the Chamber.

Article XI: Decisions

1. Following the conclusion of the proceedings, the chamber shall promptly issue a decision, which shall address:
    a. whether the facts found indicate a breach by the Party concerned of its obligations under this Agreement; and if so
    b. what steps shall be taken by the Party to remedy such breach, including orders to cease and desist, monetary relief (including pecuniary and non-pecuniary injuries), and provisional measures.
2. The Chamber shall make its decision by a majority of members. In the event a decision by the full Chamber results in a tie, the President of the Chamber shall cast the deciding vote.
3. Subject to review as provided in paragraph 2 of Article X, the decisions of the Chamber shall be final and binding.
4. Any member shall be entitled to issue a separate opinion on any case.
5. The Chamber shall issue reasons for its decisions. Its decisions shall be published and forwarded to the parties concerned, the High Representative described in Annex 10 to the General Framework Agreement while such office exists, the Secretary General of the Council of Europe and the OSCE.

The Parties shall implement fully decisions of the Chamber.

Article XII: Rules and Regulations

The Chamber shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions, including provisions for preliminary hearings, expedited decisions on provisional measures, decisions by panels of the Chamber, and review of decisions made by any such panels.

- Chapter Three: General Provisions

Article XIII: Organizations Concerned with Human Rights

1. The Parties shall promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.
2. The Parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by- mission basis and to provide them with full and effective facilitation, assistance and access.

3. The Parties shall allow full and effective access to non-governmental organizations for purposes of investigating and monitoring human rights conditions in Bosnia and Herzegovina and shall refrain from hindering or impeding them in the exercise of these functions.

All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

Article XIV: Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the institutions of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Article XV: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

Article XVI: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

- Appendix: Human Rights Agreements

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto
3. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Protocols thereto
4. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
5. 1957 Convention on the Nationality of Married Women
6. 1961 Convention on the Reduction of Statelessness
7. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

8. 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto
9. 1966 Covenant on Economic, Social and Cultural Rights
10. 1979 Convention on the Elimination of All Forms of Discrimination against Women
11. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
12. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
13. 1989 Convention on the Rights of the Child
14. 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
15. 1992 European Charter for Regional or Minority Languages

1994 Framework Convention for the Protection of National Minorities.

Annex7Agreement on Refugees and Displaced Persons

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows

- Chapter One: Protection

Article I: Rights of Refugees and Displaced Persons

1. All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.
2. The Parties shall ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion.
3. The Parties shall take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons. To demonstrate their commitment to securing full respect for the human rights and fundamental freedoms of all persons within their jurisdiction and creating without delay conditions suitable for return of refugees and displaced persons, the Parties shall take immediately the following confidence building measures:
    a. the repeal of domestic legislation and administrative practices with discriminatory intent or effect;
    b. the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred;

c. the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals;
d. the protection of ethnic and/or minority populations wherever they are found and the provision of immediate access to these populations by international humanitarian organizations and monitors;
e. the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.

4. Choice of destination shall be up to the individual or family, and the principle of the unity of the family shall be preserved. The Parties shall not interfere with the returnees' choice of destination, nor shall they compel them to remain in or move to situations of serious danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life. The Parties shall facilitate the flow of information necessary for refugees and displaced persons to make informed judgments about local conditions for return.

The Parties call upon the United Nations High Commissioner for Refugees ("UNHCR") to develop in close consultation with asylum countries and the Parties a repatriation plan that will allow for an early, peaceful, orderly and phased return of refugees and displaced persons, which may include priorities for certain areas and certain categories of returnees. The Parties agree to implement such a plan and to conform their international agreements and internal laws to it. They accordingly call upon States that have accepted refugees to promote the early return of refugees consistent with international law.

Article II: Creation of Suitable Conditions for Return

1. The Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group. The Parties shall provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return in a peaceful, orderly and phased manner, in accordance with the UNHCR repatriation plan.
2. The Parties shall not discriminate against returning refugees and displaced persons with respect to conscription into military service, and shall give positive consideration to requests for exemption from military or other obligatory service based on individual circumstances, so as to enable returnees to rebuild their lives.

Article III: Cooperation with International Organizations and International Monitoring

1. The Parties note with satisfaction the leading humanitarian role of UNHCR, which has been entrusted by the Secretary-General of the United Nations with the role of coordinating among all agencies assisting with the repatriation and relief of refugees and displaced persons.

2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross ("ICRC"), the United Nations Development Programme ("UNDP"), and other relevant international, domestic and nongovernmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons, the provision of medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of this Chapter.

The Parties shall provide for the security of all personnel of such organizations.

Article IV: Repatriation Assistance

The Parties shall facilitate the provision of adequately monitored, short-term repatriation assistance on a nondiscriminatory basis to all returning refugees and displaced persons who are in need, in accordance with a plan developed by UNHCR and other relevant organizations, to enable the families and individuals returning to reestablish their lives and livelihoods in local communities.

Article V: Persons Unaccounted For

The Parties shall provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.

Article VI: AmnestyAny returning refugee or displaced person charged with a crime, other than a serious violation of international humanitarian law.

as defined in the Statute of the International Tribunal for the Former Yugoslavia since January 1, 1991 or a common crime unrelated to the conflict, shall upon return enjoy an amnesty. In no case shall charges for crimes be imposed for political or other inappropriate reasons or to circumvent the application of the amnesty.

- Chapter Two: Commission for Displaced Persons and Refugees

Article VII: Establishment of the Commission

The Parties hereby establish an independent Commission for Displaced Persons and Refugees (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article VIII: Cooperation

The Parties shall cooperate with the work of the Commission, and shall respect and implement its decisions expeditiously and in good faith, in cooperation with relevant international and nongovernmental organizations having responsibility for the return and reintegration of refugees and displaced persons.

Article IX: Composition

1. The Commission shall be composed of nine members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members, two for a term of three years and the others for a term of four years, and the Republika Srpska shall appoint two members, one for a term of three years and the other for a term of four years. The President of the European Court of Human Rights shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed.
2. Members of the Commission must be of recognized high moral standing.
3. The Commission may sit in panels, as provided in its rules and regulations. References in this Annex to the Commission shall include, as appropriate, such panels, except that the power to promulgate rules and regulations is vested only in the Commission as a whole.

Members appointed after the transfer described in Article XVI below shall be appointed by the Presidency of Bosnia and Herzegovina.

Article X: Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, experienced in administrative, financial, banking and legal matters, to assist it in carrying out its functions. The staff shall be headed by an Executive Officer, who shall be appointed by the Commission.
2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.
3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.
4. The Commission may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the Commission, on terms to be agreed.

5. The Commission shall cooperate with other entities established by the General Framework Agreement, agreed by the Parties, or authorized by the United Nations Security Council.

Article XI: Mandate

The Commission shall receive and decide any claims for real property in Bosnia and Herzegovina, where the property has not voluntarily been sold or otherwise transferred since April 1, 1992, and where the claimant does not now enjoy possession of that property. Claims may be for return of the property or for just compensation in lieu of return.

Article XII: Proceedings before the Commission

1. Upon receipt of a claim, the Commission shall determine the lawful owner of the property with respect to which the claim is made and the value of that property. The Commission, through its staff or a duly designated international or nongovernmental organization, shall be entitled to have access to any and all property records in Bosnia and Herzegovina, and to any and all real property located in Bosnia and Herzegovina for purposes of inspection, evaluation and assessment related to consideration of a claim.
2. Any person requesting the return of property who is found by the Commission to be the lawful owner of that property shall be awarded its return. Any person requesting compensation in lieu of return who is found by the Commission to be the lawful owner of that property shall be awarded just compensation as determined by the Commission. The Commission shall make decisions by a majority of its members.
3. In determining the lawful owner of any property, the Commission shall not recognize as valid any illegal property transaction, including any transfer that was made under duress, in exchange for exit permission or documents, or that was otherwise in connection with ethnic cleansing. Any person who is awarded return of property may accept a satisfactory lease arrangement rather than retake possession.
4. The Commission shall establish fixed rates that may be applied to determine the value of all real property in Bosnia and Herzegovina that is the subject of a claim before the Commission. The rates shall be based on an assessment or survey of properties in the territory of Bosnia and Herzegovina undertaken prior to April 1, 1992, if available, or may be based on other reasonable criteria as determined by the Commission.
5. The Commission shall have the power to effect any transactions necessary to transfer or assign title, mortgage, lease, or otherwise dispose of property with respect to which a claim is made, or which is determined to be abandoned. In particular, the Commission may lawfully sell, mortgage, or lease real property to any resident or citizen of Bosnia and Herzegovina, or to either Party, where the lawful owner has sought and received compensation in lieu of return, or where the property is determined to be abandoned in accordance with local law. The Commission may also lease property pending consideration and final determination of ownership.
6. In cases in which the claimant is awarded compensation in lieu of return of the property, the Commission may award a monetary grant or a compensation bond for the future purchase of real property. The Parties welcome the willingness of the international community assisting in the construction and financing of housing in

Bosnia and Herzegovina to accept compensation bonds awarded by the Commission as payment, and to award persons holding such compensation bonds priority in obtaining that housing.
7. Commission decisions shall be final, and any title, deed, mortgage, or other legal instrument created or awarded by the Commission shall be recognized as lawful throughout Bosnia and Herzegovina.

Failure of any Party or individual to cooperate with the Commission shall not prevent the Commission from making its decision.

Article XIII: Use of Vacant Property

The Parties, after notification to the Commission and in coordination with UNHCR and other international and nongovernmental organizations contributing to relief and reconstruction, may temporarily house refugees and displaced persons in vacant property, subject to final determination of ownership by the Commission and to such temporary lease provisions as it may require.

Article XIV: Refugees and Displaced Persons Property Fund

1. A Refugees and Displaced Persons Property Fund (the "Fund") shall be established in the Central Bank of Bosnia and Herzegovina to be administered by the Commission. The Fund shall be replenished through the purchase, sale, lease and mortgage of real property which is the subject of claims before the Commission. It may also be replenished by direct payments from the Parties, or from contributions by States or international or nongovernmental organizations.

Compensation bonds issued pursuant to Article XII(6) shall create future liabilities on the Fund under terms and conditions to be defined by the Commission.

Article XV: Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions. In developing these rules and regulations, the Commission shall consider domestic laws on property rights.

Article XVI: Transfer

Five years after this Agreement takes effect, responsibility for the financing and operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Article XVII: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina, and in all countries known to have persons who were citizens or residents of Bosnia and Herzegovina.

Article XVIII: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Annex8: Agreement On Commission To Preserve National MonumentsThe Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

- ## Article I: Establishment of the Commission

The Parties hereby establish an independent Commission to Preserve National Monuments (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

- ## Article II: Composition

1. The Commission shall be composed of five members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two members, and the Republika Srpska one member, each serving a term of three years. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may serve on the Commission.

Members appointed after the transfer described in Article IX below shall be appointed by the Presidency of Bosnia and Herzegovina.

- Article III: Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Commission.
2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Entities and shall be borne equally by them.
3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

- Article IV: Mandate

The Commission shall receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as National Monuments.

- Article V: Proceedings before the Commission

1. Any Party, or any concerned person in Bosnia and Herzegovina, may submit to the Commission a petition for the designation of property as a National Monument. Each such petition shall set forth all relevant information concerning the property, including:
    a. the specific location of the property;
    b. its current owner and condition;
    c. the cost and source of funds for any necessary repairs to the property;
    d. any known proposed use; and
    e. the basis for designation as a National Monument.
2. In deciding upon the petition, the Commission shall afford an opportunity for the owners of the proposed National Monument, as well as other interested persons or entities, to present their views.
3. For a period of one year after such a petition has been submitted to the Commission, or until a decision is rendered in accordance with this Annex, whichever occurs first, all Parties shall refrain from taking any deliberate measures that might damage the property.
4. The Commission shall issue, in each case, a written decision containing any findings of fact it deems appropriate and a detailed explanation of the basis for its decision. The Commission shall make decisions by a majority of its members. Decisions of the Commission shall be final and enforceable in accordance with domestic law.

In any case in which the Commission issues a decision designating property as a National Monument, the Entity in whose territory the property is situated (a) shall make every effort to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property.

- Article VI: Eligibility

The following shall be eligible for designation as National Monuments: movable or immovable property of great importance to a group of people with common cultural, historic, religious or ethnic heritage, such as monuments of architecture, art or history; archaeological sites; groups of buildings; as well as cemeteries.

- Article VII: Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions.

- Article VIII: Cooperation

Officials and organs of the Parties and their Cantons and Municipalities, and any individual acting under the authority of such official or organ, shall fully cooperate with the Commission, including by providing requested information and other assistance.

- Article IX: Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

- Article X: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

- Article XI: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Bearing in mind that reconstruction of the infrastructure and the functioning of transportation and other facilities are important for the economic resurgence of Bosnia and Herzegovina, and for the smooth functioning of its institutions and the organizations involved in implementation of the peace settlement, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

- Article I: Commission on Public Corporations

1. The Parties hereby establish a Commission on Public Corporations (the "Commission") to examine establishing Bosnia and Herzegovina Public Corporations to operate joint public facilities, such as for the operation of utility, energy, postal and communication facilities, for the benefit of both Entities.
2. The Commission shall have five Members. Within fifteen days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two Members, and the Republika Srpska one Member. Persons appointed must be familiar with the specific economic, political and legal characteristics Bosnia and Herzegovina and be of high recognized moral standing. Recognizing that the Commission will benefit from international expertise, the Parties request the President of the European Bank for Reconstruction and Development to appoint the remaining two Members and to designate one as the Chairman.
3. The Commission shall in particular examine the appropriate internal structure for such Corporations, the conditions necessary to ensure their successful, permanent operation, and the best means of procuring long-term investment capital.

- Article II: Establishment of a Transportation Corporation

1. The Parties, recognizing an immediate need to establish a Public Corporation to organize and operate transportation facilities, such as roads, railways and ports, for their mutual benefit, hereby establish a Bosnia and Herzegovina Transportation Corporation (the "Transportation Corporation") for such purpose.
2. The Transportation Corporation shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate. It shall have appropriate facilities and choose a professionally competent Board of Directors, Officers and Staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to carry out its functions. The Commission shall choose the Board of Directors, which shall in turn appoint the Officers and select the Staff.
3. The Transportation Corporation is authorized to construct, acquire, hold, maintain and operate and dispose of real and personal property in accordance with specific plans that it develops. It is also authorized to fix and collect rates, fees, rentals and other charges for the use of facilities it operates; enter into all contracts and agreements necessary for the performance of its functions; and take other actions necessary to carry out these functions.
4. The Transportation Corporation shall operate transportation facilities as agreed by the Parties. The Parties shall, as part of their agreement, provide the Corporation with

necessary legal authority. The Parties shall meet within fifteen days after this Agreement enters into force to consider which facilities the Corporation will operate.

Within thirty days after this Agreement enters into force, the Parties shall agree on sums of money to be contributed to the Transportation Corporation for its initial operating budget. The Parties may at any time transfer to the Transportation Corporation additional funds or facilities that belong to them and the rights thereto. The Parties shall decide the means by which the Transportation Corporation will be authorized to raise additional capital.

- Article III: Other Public Corporations

The Parties may decide, upon recommendation of the Commission, to use establishment of the Transportation Corporation as a model for the establishment of other joint public corporations, such as for the operation of utility, energy, postal and communication facilities.

- Article IV: Cooperation

The Commission, the Transportation Corporation and other Public Corporations shall cooperate fully with all organizations involved in implementation of the peace settlement, or which are otherwise authorized by the United Nations Security Council, including the International Tribunal for the Former Yugoslavia.

- Article V: Ethics

Members of the Commission and Directors of the Transportation Corporation may not have an employment or financial relationship with any enterprise that has, or is seeking, a contract or agreement with the Commission or the Corporation, respectively, or otherwise has interests that can be directly affected by its actions or inactions.

- Article VI: Entry into Force

This Agreement shall enter into force upon signature.

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Annex10Agreement on Civilian Implementation

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

- Article I: High Representative

1. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; the establishment of political and constitutional institutions in Bosnia and Herzegovina; promotion of respect for human rights and the return of displaced persons and refugees; and the holding of free and fair elections according to the timetable in Annex 3 to the General Framework Agreement. A considerable number of international organizations and agencies will be called upon to assist.
2. In view of the complexities facing them, the Parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below.

- Article II: Mandate and Methods of Coordination and Liaison

1. The High Representative shall:
   a. Monitor the implementation of the peace settlement;
   b. Maintain close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement and a high level of cooperation between them and the organizations and agencies participating in those aspects.
   c. Coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina to ensure the efficient implementation of the civilian aspects of the peace settlement. The High Representative shall respect their autonomy within their spheres of operation while as necessary giving general guidance to them about the impact of their activities on the implementation of the peace settlement. The civilian organizations and agencies are requested to assist the High Representative in the execution of his or her responsibilities by providing all information relevant to their operations in Bosnia- Herzegovina.
   d. Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation.
   e. Participate in meetings of donor organizations, particularly on issues of rehabilitation and reconstruction.
   f. Report periodically on progress in implementation of the peace agreement concerning the tasks set forth in this Agreement to the United Nations, European Union, United States, Russian Federation, and other interested governments, parties, and organizations.
   g. Provide guidance to, and receive reports from, the Commissioner of the International Police Task Force established in Annex 11 to the General Framework Agreement.
2. In pursuit of his or her mandate, the High Representative shall convene and chair a commission (the "Joint Civilian Commission") in Bosnia and Herzegovina. It will

comprise senior political representatives of the Parties, the IFOR Commander or his representative, and representatives of those civilian organizations and agencies the High Representative deems necessary.

3. The High Representative shall, as necessary, establish subordinate Joint Civilian Commissions at local levels in Bosnia and Herzegovina.
4. A Joint Consultative Committee will meet from time to time or as agreed between the High Representative and the IFOR Commander.
5. The High Representative or his designated representative shall remain in close contact with the IFOR Commander or his designated representatives and establish appropriate liaison arrangements with the IFOR Commander to facilitate the discharge of their respective responsibilities.
6. The High Representative shall exchange information and maintain liaison on a regular basis with IFOR, as agreed with the IFOR Commander, and through the commissions described in this Article.
7. The High Representative shall attend or be represented at meetings of the Joint Military Commission and offer advice particularly on matters of a political-military nature. Representatives of the High Representative will also attend subordinate commissions of the Joint Military Commission as set out in Article VIII(8) of Annex 1A to the General Framework Agreement.
8. The High Representative may also establish other civilian commissions within or outside Bosnia and Herzegovina to facilitate the execution of his or her mandate.

The High Representative shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command.

- Article III: Staffing

1. The High Representative shall appoint staff, as he or she deems necessary, to provide assistance in carrying out the tasks herein.
2. The Parties shall facilitate the operations of the High Representative in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.
3. The High Representative shall enjoy, under the laws of Bosnia and Herzegovina, such legal capacity as may be necessary for the exercise of his or her functions, including the capacity to contract and to acquire and dispose of real and personal property.
4. Privileges and immunities shall be accorded as follows:
    a. The Parties shall accord the office of the High Representative and its premises, archives, and other property the same privileges and immunities as are enjoyed by a diplomatic mission and its premises, archives, and other property under the Vienna Convention on Diplomatic Relations.
    b. The Parties shall accord the High Representative and professional members of his or her staff and their families the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

c. The Parties shall accord other members of the High Representative staff and their families the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

- Article IV: Cooperation

The Parties shall fully cooperate with the High Representative and his or her staff, as well as with the international organizations and agencies as provided for in Article IX of the General Framework Agreement.

- Article V: Final Authority to Interpret

The High Representative is the final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement.

- Article VI: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Republic of Croatia

For the Federal Republic of Yugoslavia

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Annex11Agreement on International Police Force

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

- Article I: Civilian Law Enforcement

1. As provided in Article III(2)(c) of the Constitution agreed as Annex 4 to the General Framework Agreement, the Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate.
2. To assist them in meeting their obligations, the Parties request that the United Nations establish by a decision of the Security Council, as a UNCIVPOL operation, a U.N. International Police Task Force (IPTF) to carry out, throughout Bosnia and Herzegovina, the program of assistance the elements of which are described in Article III below.

- Article II: Establishment of the IPTF

1. The IPTF shall be autonomous with regard to the execution of its functions under this Agreement. Its activities will be coordinated through the High Representative described in Annex 10 to the General Framework Agreement.
2. The IPTF will be headed by a Commissioner, who will be appointed by the Secretary General of the United Nations in consultation with the Security Council. It shall consist of persons of high moral standing who have experience in law enforcement. The IPTF Commissioner may request and accept personnel, resources, and assistance from states and international and nongovernmental organizations.
3. The IPTF Commissioner shall receive guidance from the High Representative.
4. The IPTF Commissioner shall periodically report on matters within his or her responsibility to the High Representative, the Secretary General of the United Nations, and shall provide information to the IFOR Commander and, as he or she deems appropriate, other institutions and agencies.
5. The IPTF shall at all times act in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and shall respect, consistent with the IPTF's responsibilities, the laws and customs of the host country.
6. The Parties shall accord the IPTF Commissioner, IPTF personnel, and their families the privileges and immunities described in Sections 18 and 19 of the 1946 Convention on the Privileges and Immunities of the United Nations. In particular, they shall enjoy inviolability, shall not be subject to any form of arrest or detention, and shall have absolute immunity from criminal jurisdiction. IPTF personnel shall remain subject to penalties and sanctions under applicable laws and regulations of the United Nations and other states.
7. The IPTF and its premises, archives, and other property shall be accorded the same privileges and immunities, including inviolability, as are described in Articles II and III of the 1946 Convention on the Privileges and Immunities of the United Nations.

In order to promote the coordination by the High Representative of IPTF activities with those of other civilian organizations and agencies and of the (IFOR), the IPTF Commissioner or his or her representatives may attend meetings of the Joint Civilian Commission established in Annex 10 to the General Framework Agreement and of the Joint Military Commission established in Annex 1, as well as meetings of their subordinate commissions. The IPTF Commissioner may request that meetings of appropriate commissions be convened to discuss issues within his or her area of responsibility.

- Article III: IPTF Assistance Program

1. IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article I(2):
    a. monitoring, observing, and inspecting law enforcement activities and facilities, including associated judicial organizations, structures, and proceedings;
    b. advising law enforcement personnel and forces;
    c. training law enforcement personnel;
    d. facilitating, within the IPTF' s mission of assistance, the Parties' law enforcement activities;

e. assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats.
f. advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies; and
g. assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.

2. In addition to the elements of the assistance program set forth in paragraph 1, the IPTF will consider, consistent with its responsibilities and resources, requests from the Parties or law enforcement agencies in Bosnia and Herzegovina for assistance described in paragraph 1.

The Parties confirm their particular responsibility to ensure the existence of social conditions for free and fair elections, including the protection of international personnel in Bosnia and Herzegovina in connection with the elections provided for in Annex 3 to the General Framework Agreement. They request the IPTF to give priority to assisting the Parties in carrying out this responsibility.

- Article IV: Specific Responsibilities of the Parties

1. The Parties shall cooperate fully with the IPTF and shall so instruct all their law enforcement agencies.
2. Within 30 days after this Agreement enters into force, the Parties shall provide the IPTF Commissioner or his or her designee with information on their law enforcement agencies, including their size, location, and force structure. Upon request of the IPTF Commissioner, they shall provide additional information, including any training, operational, or employment and service records of law enforcement agencies and personnel.
3. The Parties shall not impede the movement of IPTF personnel or in any way hinder, obstruct, or delay them in the performance of their responsibilities. They shall allow IPTF personnel immediate and complete access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina as requested by the IPTF in carrying out its responsibilities under this Agreement. This shall include the right to monitor, observe, and inspect any site or facility at which it believes that police, law enforcement, detention, or judicial activities are taking place.
4. Upon request by the IPTF, the Parties shall make available for training qualified personnel, who are expected to take up law enforcement duties immediately following such training.
5. The Parties shall facilitate the operations of the IPTF in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.

- Article V: Failure to Cooperate

1. Any obstruction of or interference with IPTF activities, failure or refusal to comply with an IPTF request, or other failure to meet the Parties' responsibilities or other obligations in this Agreement, shall constitute a failure to cooperate with the IPTF.

2. The IPTF Commissioner will notify the High Representative and inform the IFOR Commander of failures to cooperate with the IPTF. The IPTF Commissioner may request that the High Representative take appropriate steps upon receiving such notifications, including calling such failures to the attention of the Parties, convening the Joint Civilian Commission, and consulting with the United Nations, relevant states, and international organizations on further responses.

- Article VI: Human Rights

1. When IPTF personnel learn of credible information concerning violations of internationally recognized human rights or fundamental freedoms or of the role of law enforcement officials or forces in such violations, they shall provide such information to the Human Rights Commission established in Annex 6 to the General Framework Agreement, the International Tribunal for the Former Yugoslavia, or to other appropriate organizations.

The Parties shall cooperate with investigations of law enforcement forces and officials by the organizations described in paragraph 1.

- Article VII: Application

This Agreement applies throughout Bosnia and Herzegovina to law enforcement agencies and personnel of Bosnia and Herzegovina, the Entities, and any agency, subdivision, or instrumentality thereof. Law enforcement agencies are those with a mandate including law enforcement, criminal investigations, public and state security, or detention or judicial activities.

- Article VIII: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

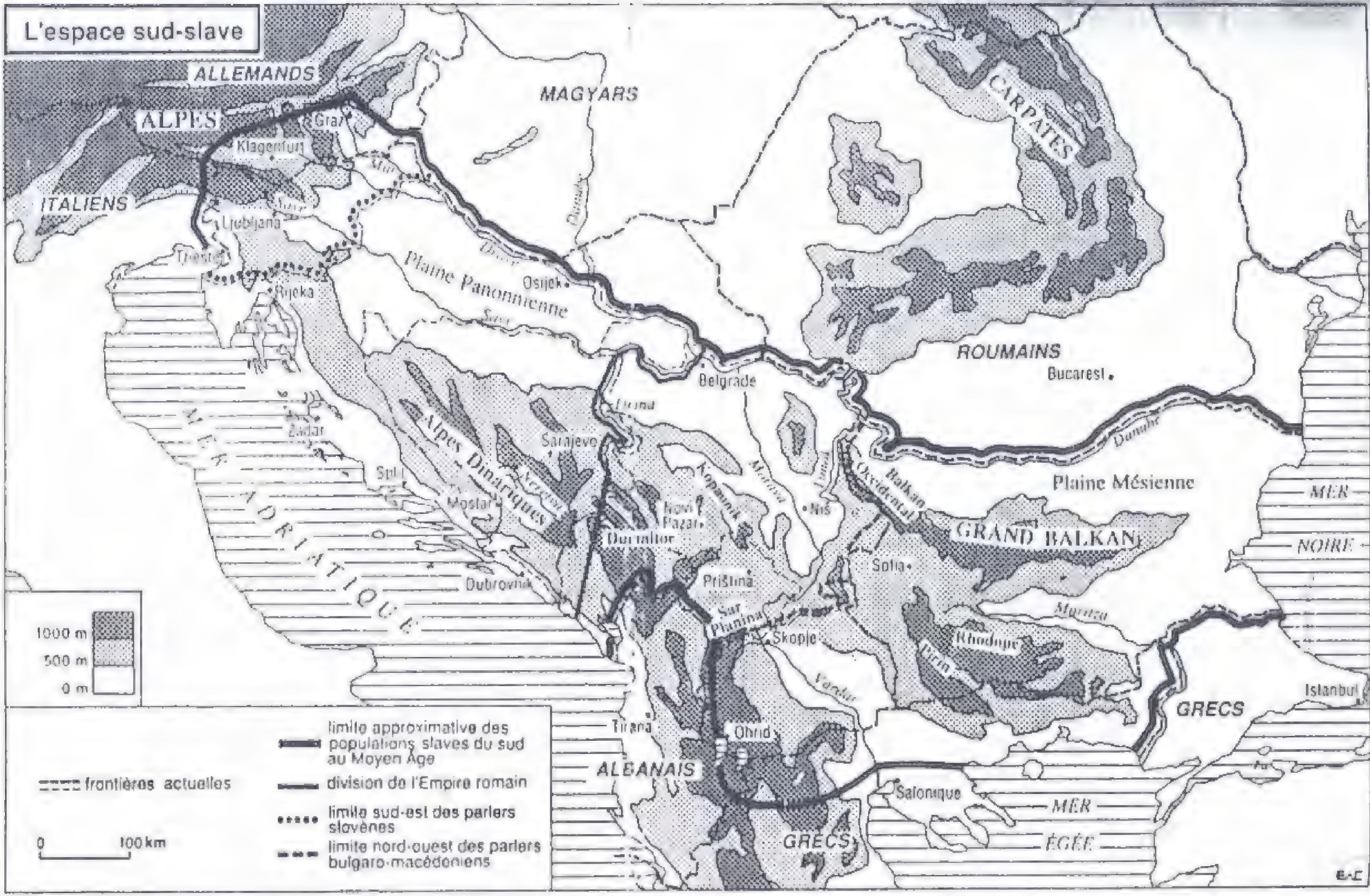
For the Republika Srpska

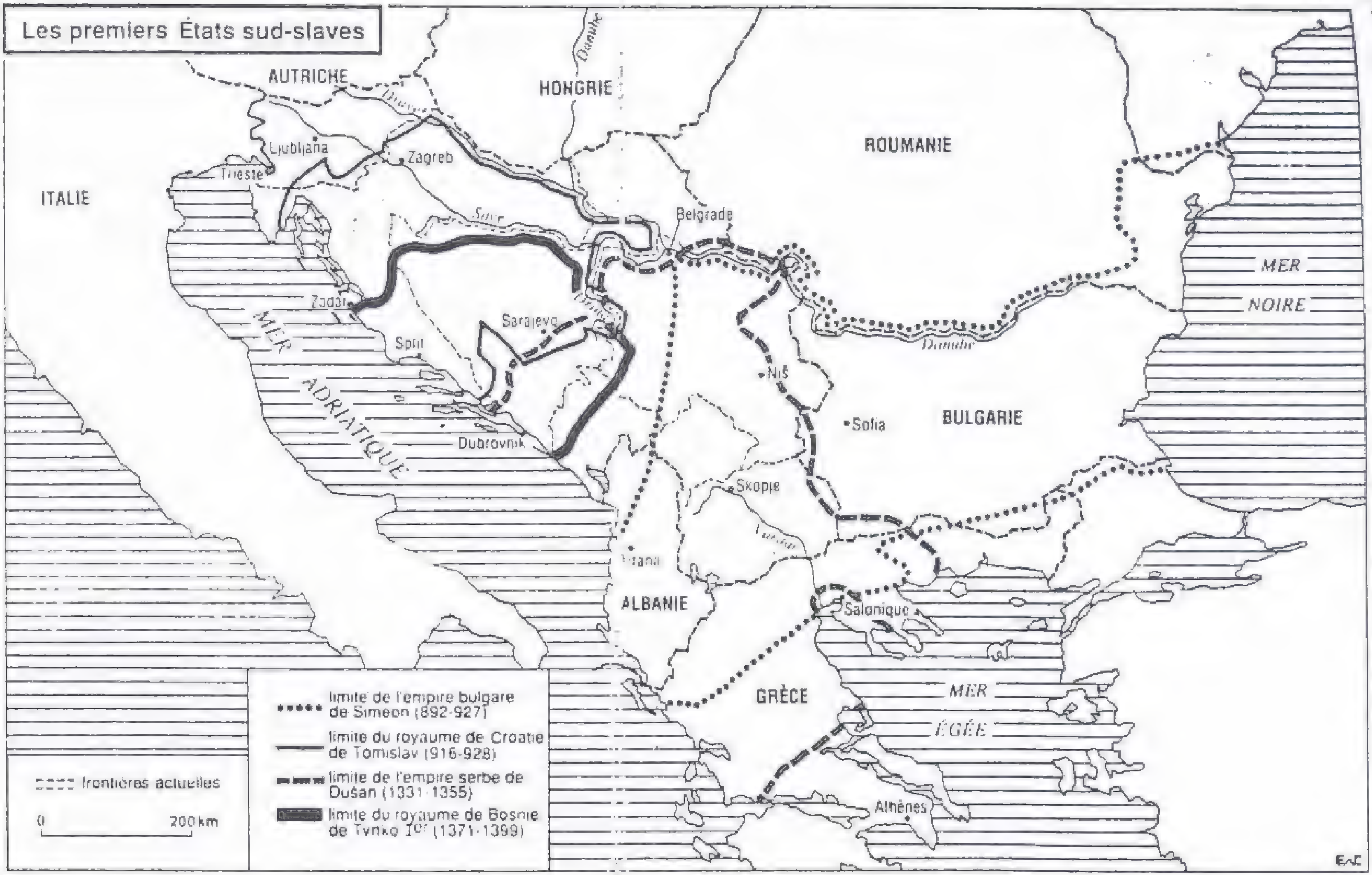
ملحق (II):

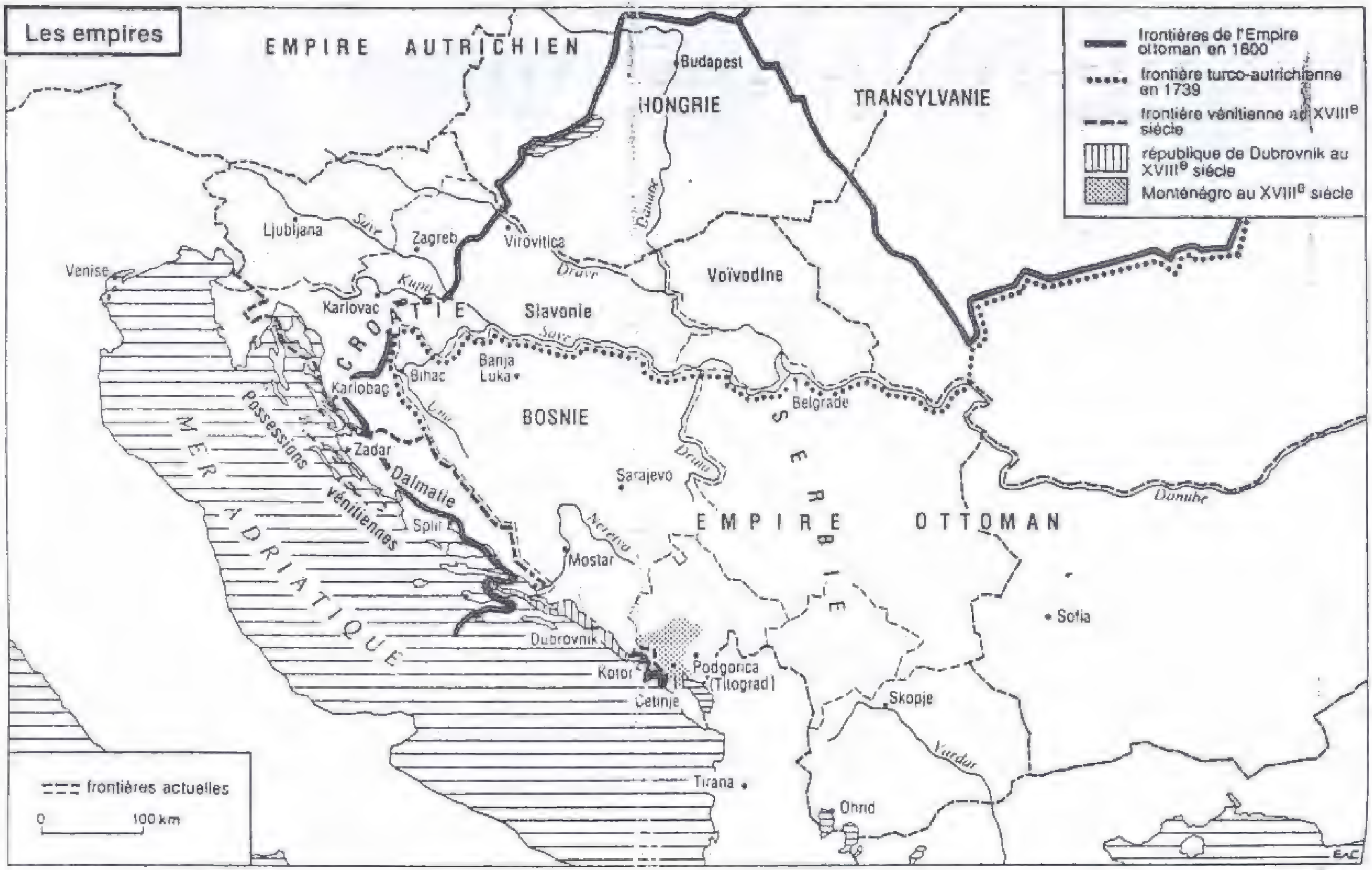
مجموعة خرائط[1]

[1] Paul Garde, Vie et Mort de la Yougoslavie, Fayard 1992.

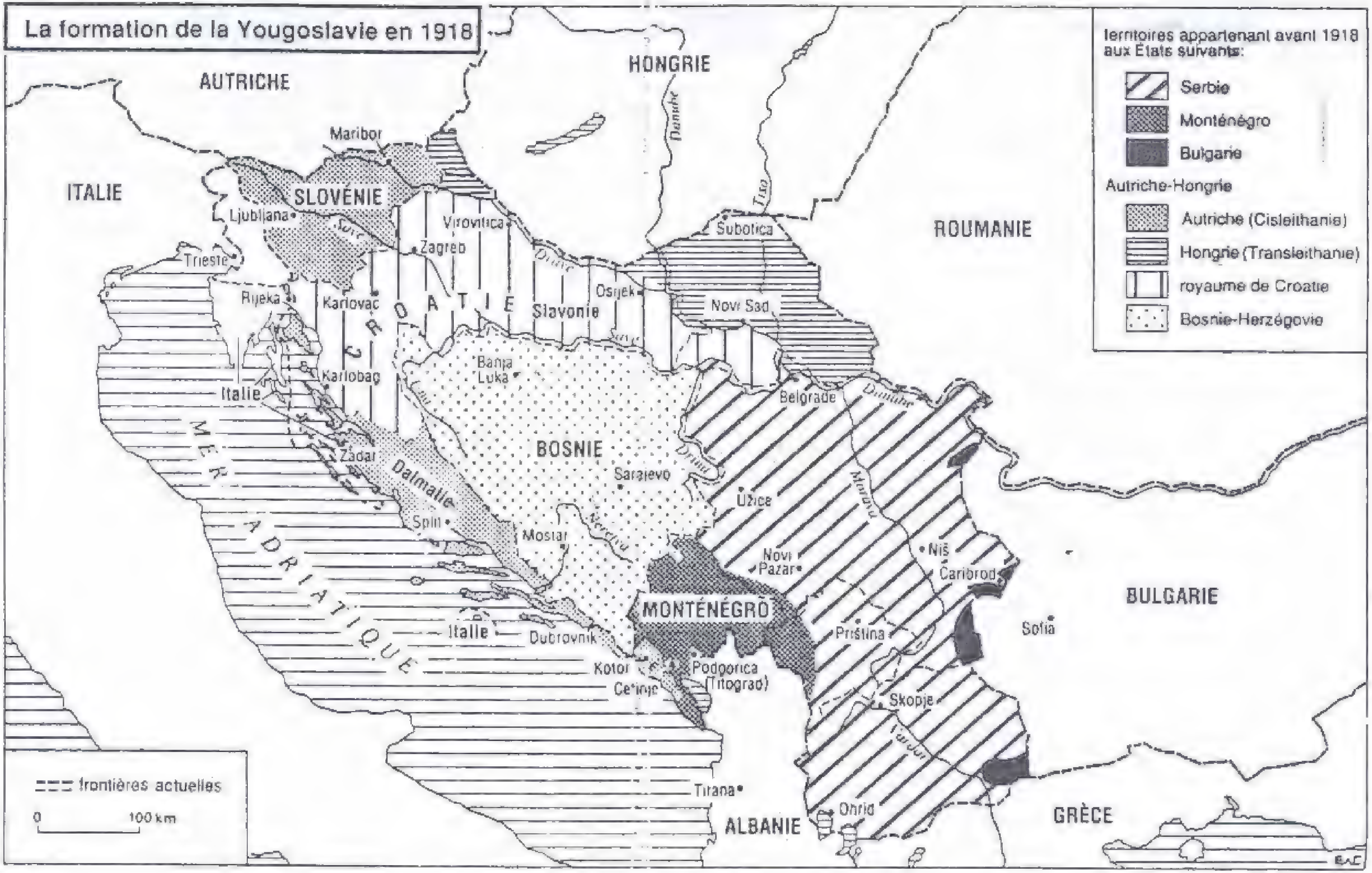

La Yougoslavie fédérale
AUTRICHE
HONGRIE
Budapest
ROUMANIE
Bucarest
BULGARIE
Sofia
GRÈCE
ALBANIE
Tirana
ITALIE
Venise
Trieste
MER ADRIATIQUE
SLOVÉNIE
Maribor
Ljubljana
CROATIE
Zagreb
Virovitica
Osijek
Rijeka
Karlovac
Karlobag
Zadar
Split
Dubrovnik
BOSNIE-HERZÉGOVINE
Banja Luka
Sarajevo
Mostar
Voïvodine
Subotica
Novi Sad
SERBIE
Belgrade
Užice
Novi Pazar
Niš
MONTÉNÉGRO
Titograd
Kosovo-Metohija
Priština
MACÉDOINE
Skopje
Ohrid
Danube
Drave
Save
Drina
Morava
Vardar
Kupa
Una
Neretva
frontière d'État
frontière de république
frontière de province autonome
0 100 km

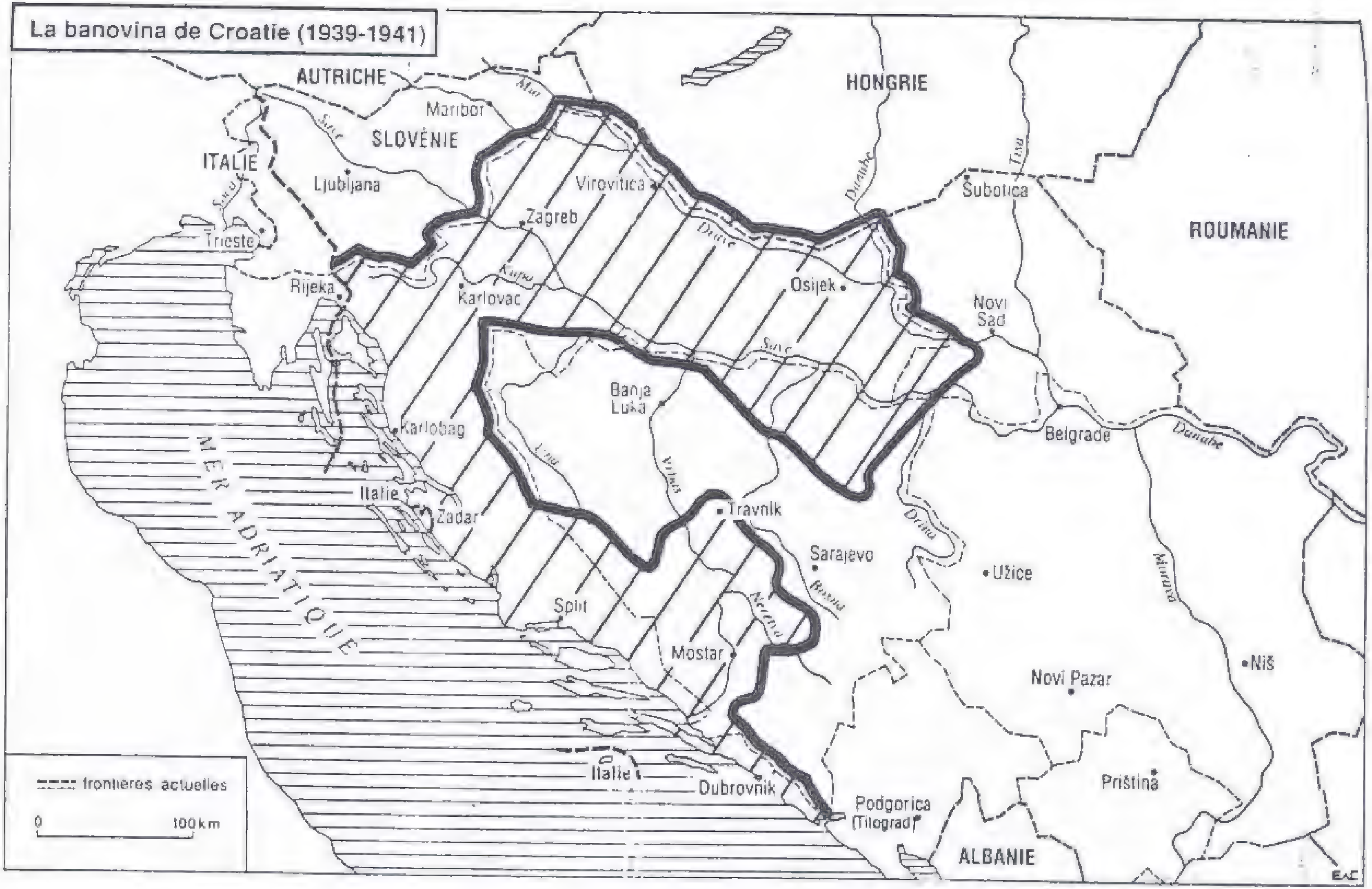

L'espace sud-slave
ALLEMANDS
MAGYARS
ALPES
CARPATES
ITALIENS
Graz
Klagenfurt
Ljubljana
Trieste
Rijeka
Osijek
Plaine Panonnienne
ROUMAINS
Bucarest
Belgrade
Zadar
Alpes Dinariques
Sarajevo
Split
Mostar
MER ADRIATIQUE
Novi Pazar
Durmitor
Niš
Plaine Mésienne
GRAND BALKAN
MER NOIRE
Sofia
Dubrovnik
Priština
Skopje
Rhodope
Pirin
Istanbul
GRECS
Tirana
Ohrid
ALBANAIS
Salonique
MER ÉGÉE
1000 m
500 m
0 m
limite approximative des populations slaves du sud au Moyen Âge
frontières actuelles
division de l'Empire romain
limite sud-est des parlers slovènes
limite nord-ouest des parlers bulgaro-macédoniens
0
100 km


Les premiers États sud-slaves
AUTRICHE
HONGRIE
ROUMANIE
ITALIE
Ljubljana
Zagreb
Trieste
Belgrade
Zadar
Sarajevo
Split
MER ADRIATIQUE
Niš
Sofia
BULGARIE
MER NOIRE
Danube
Dubrovnik
Skopje
Tirana
ALBANIE
Salonique
GRÈCE
MER ÉGÉE
Athènes
limite de l'empire bulgare de Siméon (892-927)
limite du royaume de Croatie de Tomislav (916-928)
limite de l'empire serbe de Dušan (1331-1355)
limite du royaume de Bosnie de Tvrtko Ier (1371-1399)
frontières actuelles
0 200 km

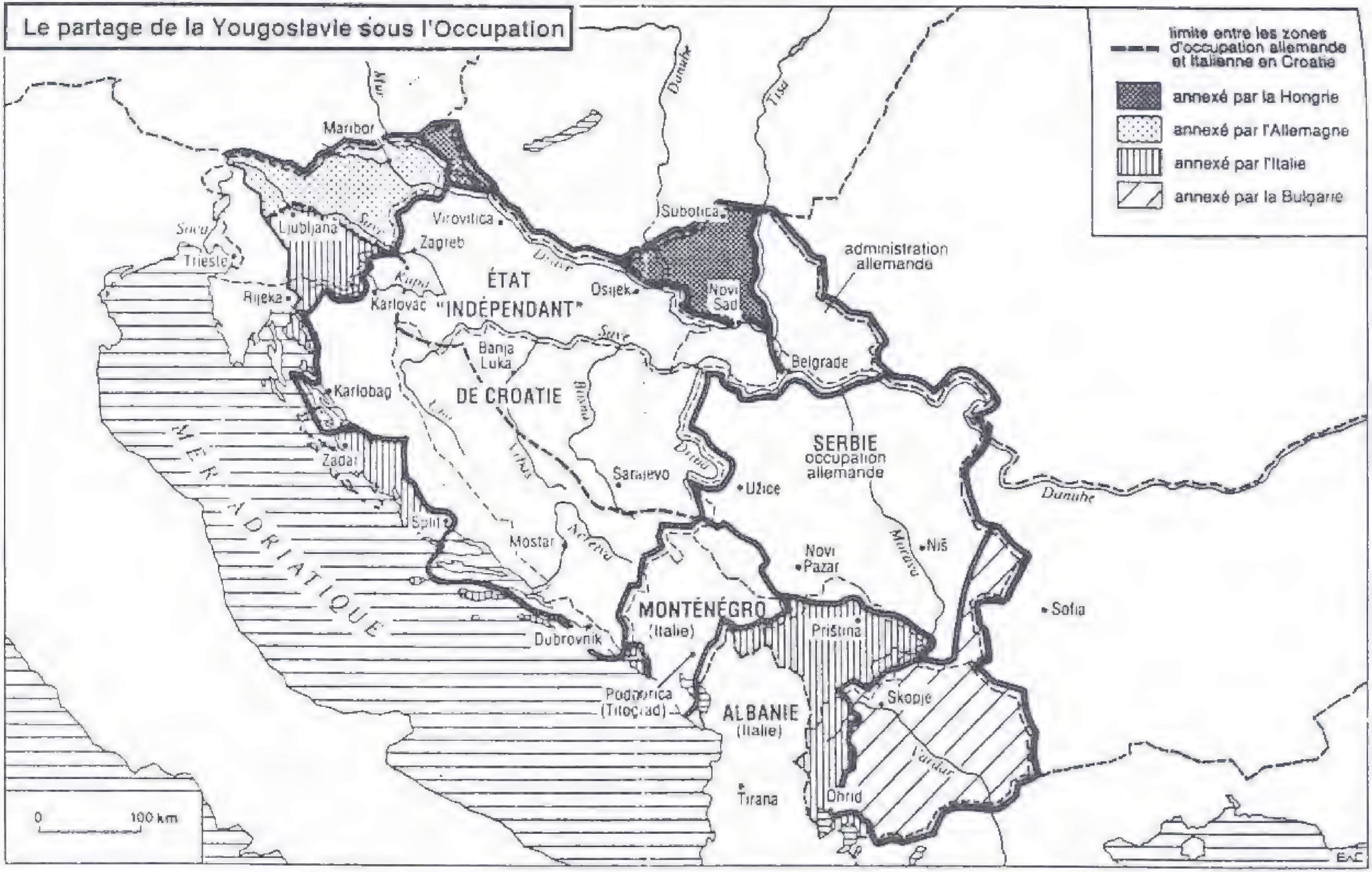

Les empires
EMPIRE AUTRICHIEN
frontières de l'Empire ottoman en 1600
frontière turco-autrichienne en 1739
frontière vénitienne au XVIII^e siècle
république de Dubrovnik au XVIII^e siècle
Monténégro au XVIII^e siècle
Budapest
HONGRIE
TRANSYLVANIE
Ljubljana
Zagreb
Virovitica
Venise
Voïvodine
Karlovac
CROATIE
Slavonie
Banja Luka
Bihac
Karlobag
BOSNIE
Belgrade
Zadar
Possessions vénitiennes
Dalmatie
MER ADRIATIQUE
Sarajevo
SERBIE
Danube
EMPIRE OTTOMAN
Split
Mostar
Sofia
Dubrovnik
Kotor
Podgorica (Titograd)
Cetinje
Skopje
Vardar
frontières actuelles
0 100 km
Tirana
Ohrid

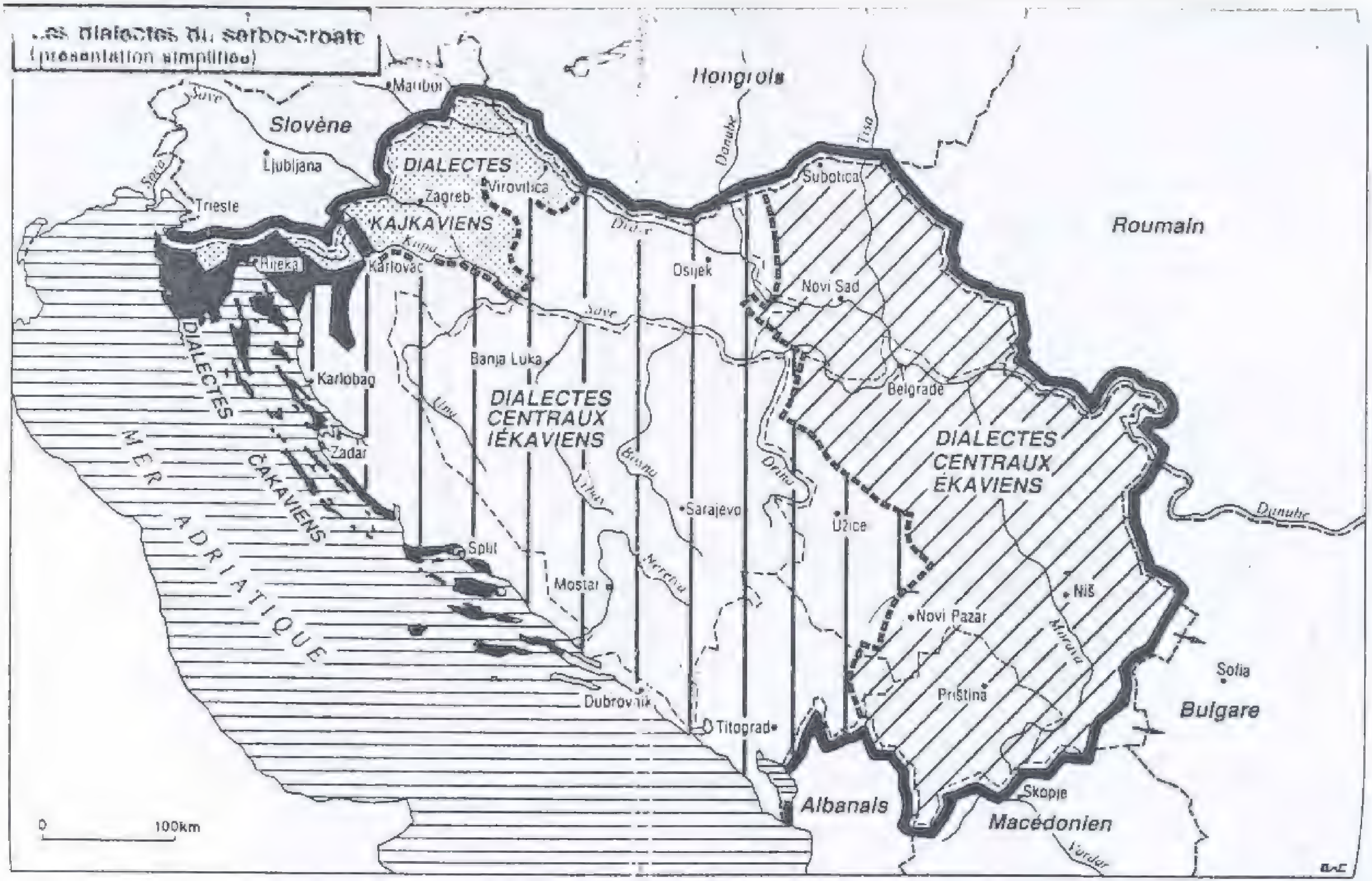

Formation des États serbe et monténégrin
frontière de 1829
frontière de 1833
frontière de 1878
frontière de 1912
Serbie actuelle
Monténégro actuel
Subotica
Drave
Osijek
Tisa
Novi Sad
Save
Danube
Belgrade
Bosna
Morava
Drina
Užice
Sarajevo
Kraljevo
Neretva
Kruševac
Mostar
Niš
Novi Pazar
Šofia
Dubrovnik
Peć
Priština
Podgorica
(Titograd)
Cetinje
Bar
Skopje
MER
ADRIATIQUE
Vardar
Tirana
Ohrid
frontières actuelles
0
100km

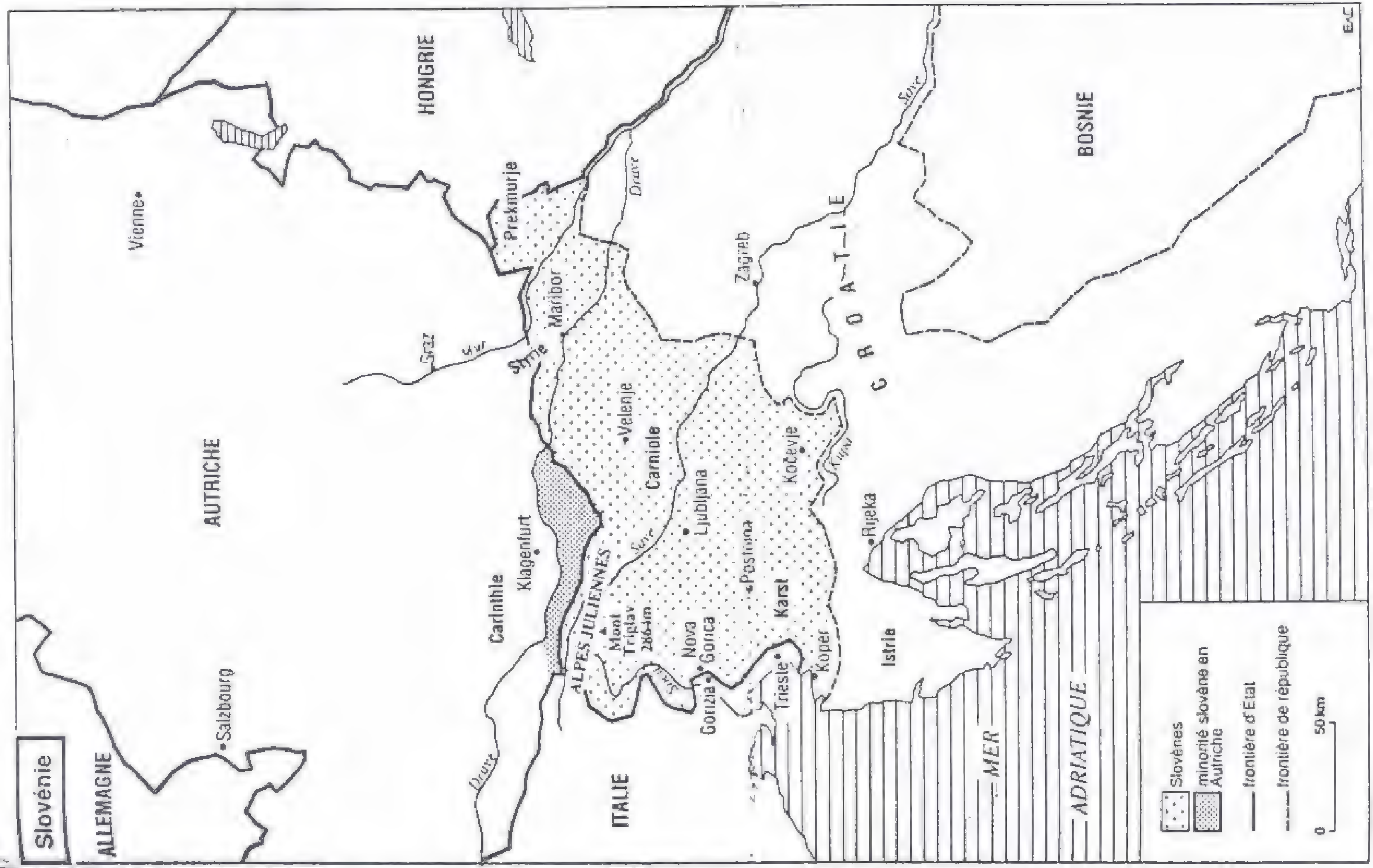

La formation de la Yougoslavie en 1918
Territoires appartenant avant 1918 aux États suivants:
Serbie
Monténégro
Bulgarie
Autriche-Hongrie
Autriche (Cisleithanie)
Hongrie (Transleithanie)
royaume de Croatie
Bosnie-Herzégovie
frontières actuelles
0
100 km
AUTRICHE
HONGRIE
ITALIE
ROUMANIE
BULGARIE
GRÈCE
ALBANIE
SLOVÉNIE
CROATIE
BOSNIE
MONTÉNÉGRO
MER ADRIATIQUE
Slavonie
Dalmatie
Italie
Maribor
Ljubljana
Trieste
Rijeka
Karlovac
Karlobag
Zagreb
Virovitica
Osijek
Subotica
Novi Sad
Belgrade
Banja Luka
Sarajevo
Zadar
Split
Mostar
Dubrovnik
Kotor
Cetinje
Podgorica (Titograd)
Užice
Novi Pazar
Niš
Caribrod
Sofia
Priština
Skopje
Tirana
Ohrid
Danube
Tisa
Drave
Save
Una
Drina
Neretva
Morava
Vardar

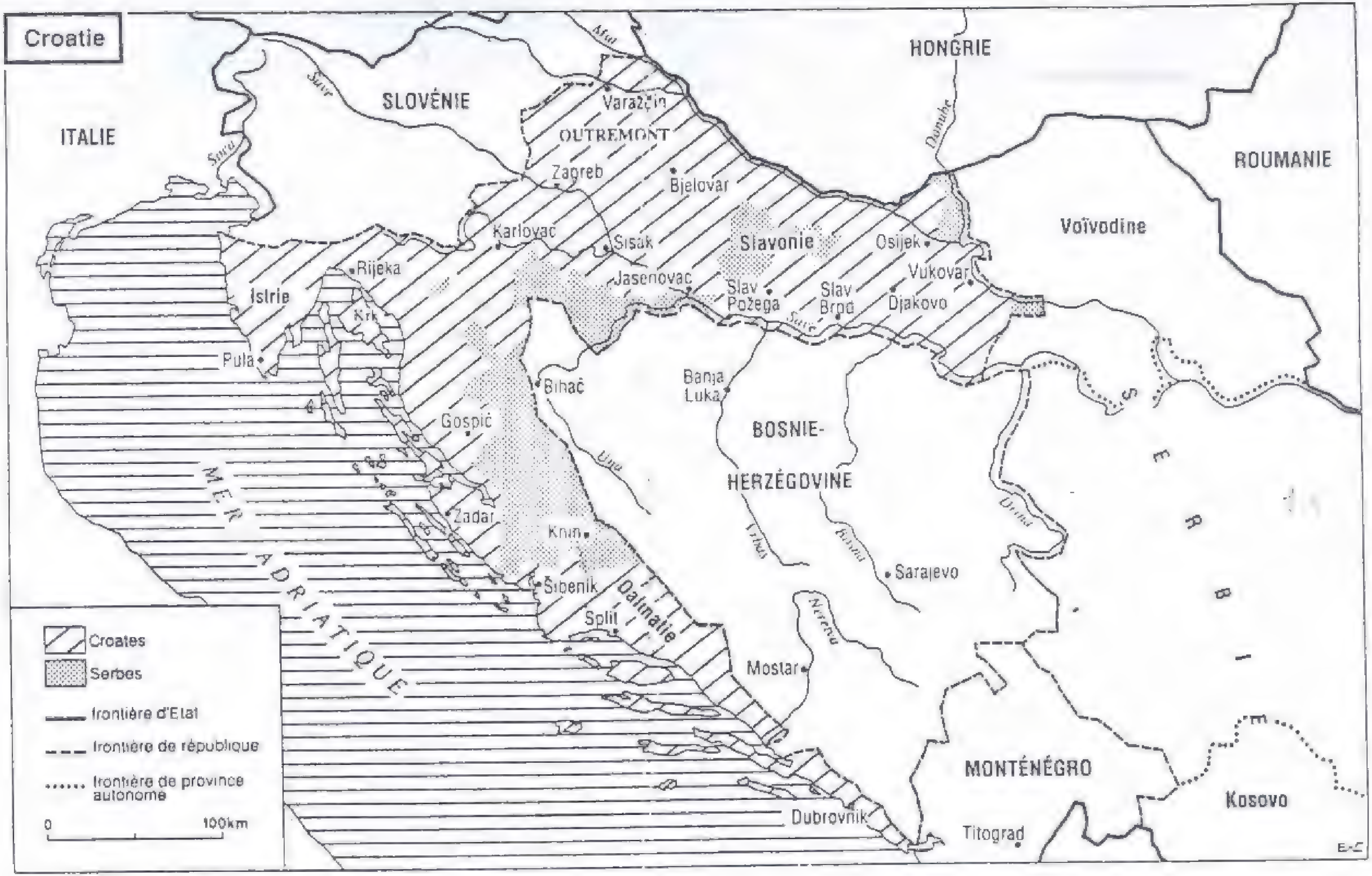


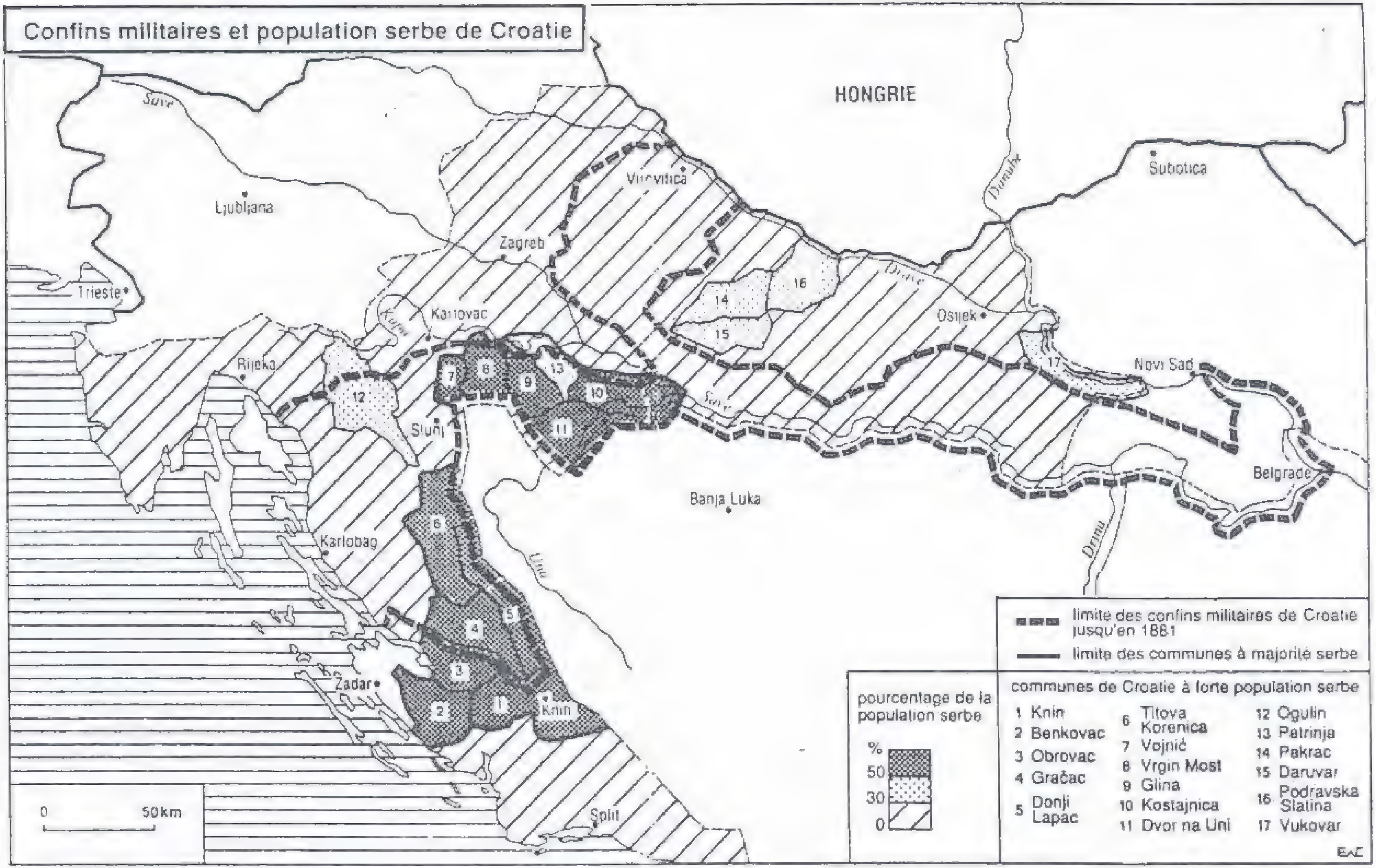
La banovina de Croatie (1939-1941)

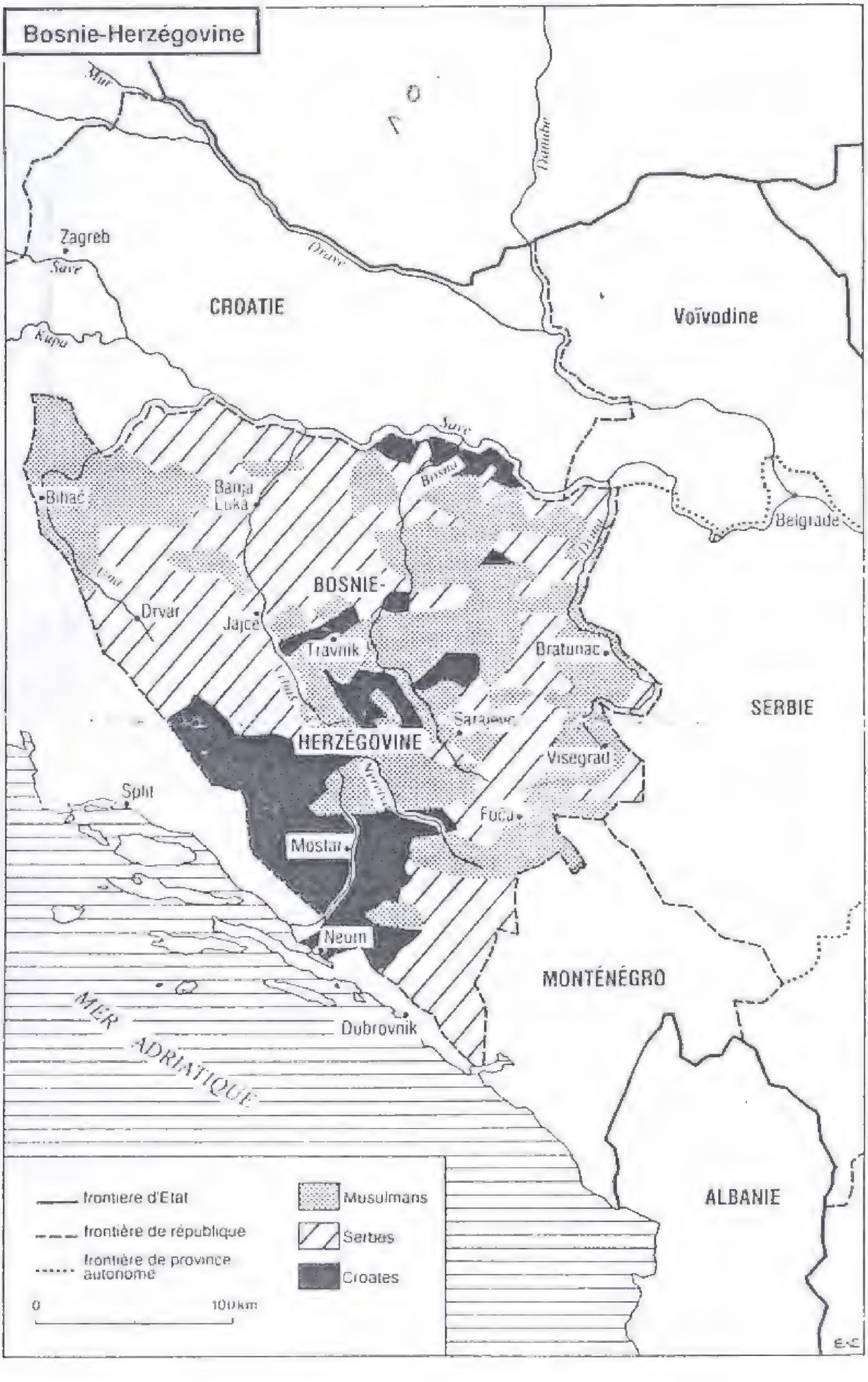

Le partage de la Yougoslavie sous l'Occupation
limite entre les zones d'occupation allemande et italienne en Croatie
annexé par la Hongrie
annexé par l'Allemagne
annexé par l'Italie
annexé par la Bulgarie
ÉTAT "INDÉPENDANT" DE CROATIE
SERBIE occupation allemande
MONTÉNÉGRO (Italie)
ALBANIE (Italie)
administration allemande
MER ADRIATIQUE
Maribor
Ljubljana
Trieste
Rijeka
Zagreb
Karlovac
Virovitica
Osijek
Subotica
Novi Sad
Belgrade
Banja Luka
Karlobag
Zadar
Split
Mostar
Sarajevo
Dubrovnik
Užice
Novi Pazar
Niš
Priština
Skopje
Ohrid
Tirana
Sofia
Danube
Tisa
Save
Drave
Drina
Morava
Vardar
0 100 km


Les dialectes du serbo-croate
(présentation simplifiée)
Slovène
Hongrois
Roumain
Bulgare
Albanais
Macédonien
DIALECTES KAJKAVIENS
DIALECTES CENTRAUX IÉKAVIENS
DIALECTES CENTRAUX ÉKAVIENS
DIALECTES ČAKAVIENS
MER ADRIATIQUE
Maribor
Ljubljana
Trieste
Rijeka
Zagreb
Virovitica
Karlovac
Karlobag
Zadar
Split
Banja Luka
Mostar
Sarajevo
Dubrovnik
Titograd
Osijek
Subotica
Novi Sad
Belgrade
Užice
Novi Pazar
Niš
Priština
Skopje
Sofia
Save
Kupa
Drave
Danube
Tisa
Una
Bosna
Drina
Neretva
Morava
Vardar
0
100km

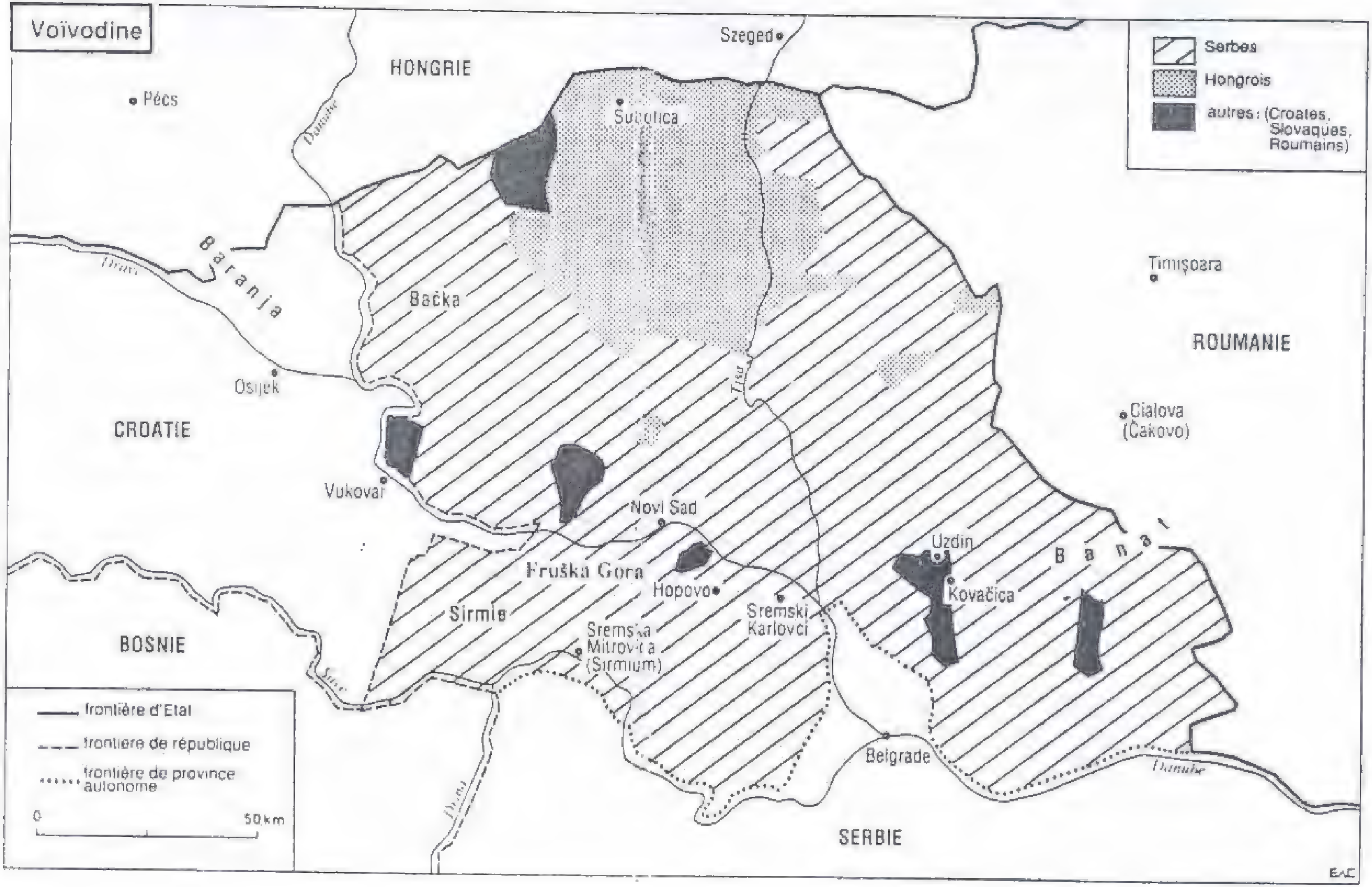

Slovénie
ALLEMAGNE
Salzbourg
AUTRICHE
Vienne
HONGRIE
Prekmurje
Maribor
Styrie
Graz
Mur
Drave
Carinthie
Klagenfurt
ALPES JULIENNES
Mont Triglav 2864 m
Save
Velenje
Carniole
Ljubljana
Postojna
Karst
Kočevje
Kupa
Nova Gorica
Gorizia
Trieste
Koper
Istrie
Rijeka
Zagreb
C R O A T I E
BOSNIE
ITALIE
MER ADRIATIQUE
Slovènes
minorité slovène en Autriche
frontière d'Etat
frontière de république
0 50 km

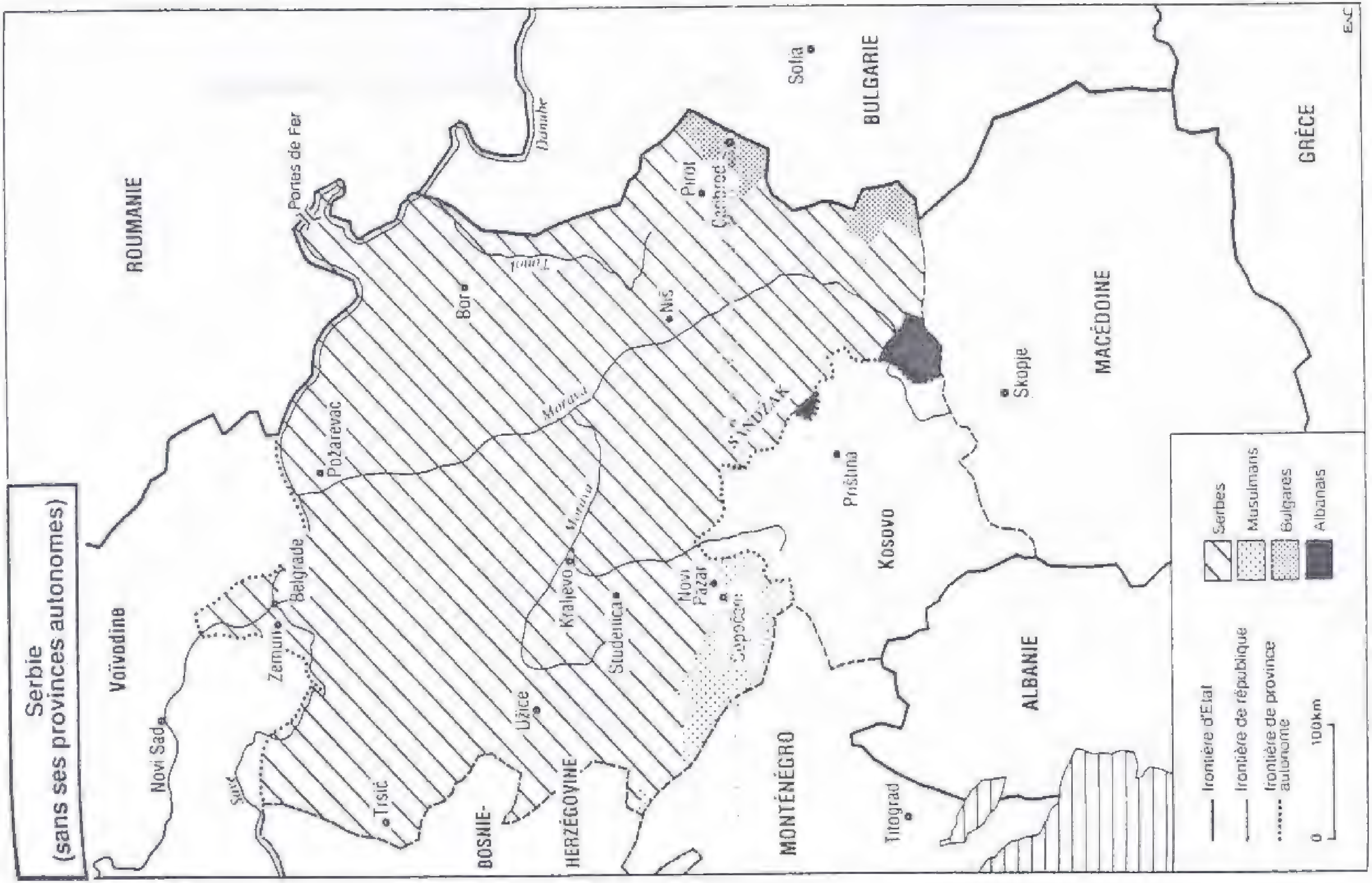

Croatie
HONGRIE
SLOVÉNIE
ITALIE
ROUMANIE
OUTREMONT
Varaždin
Zagreb
Bjelovar
Voïvodine
Karlovac
Sisak
Slavonie
Osijek
Rijeka
Jasenovac
Vukovar
Istrie
Slav Požega
Slav Brod
Djakovo
Krk
Pula
Banja Luka
Bihać
BOSNIE-HERZÉGOVINE
Gospić
MER ADRIATIQUE
S E R B I E
Zadar
Knin
Sarajevo
Šibenik
Dalmatie
Split
Mostar
MONTÉNÉGRO
Kosovo
Dubrovnik
Titograd
Croates
Serbes
frontière d'Etat
frontière de république
frontière de province autonome
0
100km
Save
Mur
Danube
Una
Vrbas
Bosna
Drina
Neretva

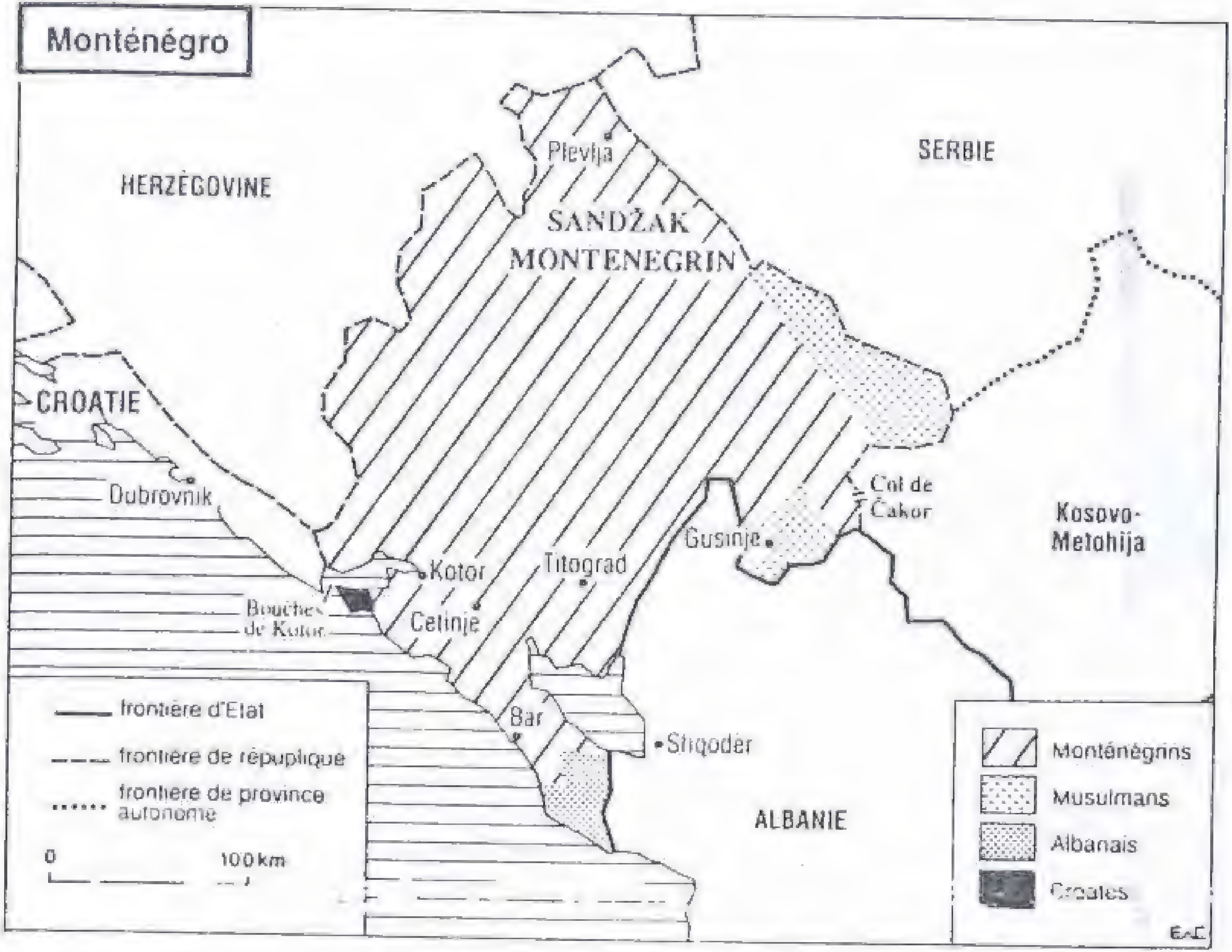

Confins militaires et population serbe de Croatie
HONGRIE
Save
Ljubljana
Zagreb
Trieste
Karlovac
Kupa
Rijeka
Slunj
Osijek
Drave
Danube
Subotica
Novi Sad
Belgrade
Banja Luka
Una
Drina
Karlobag
Zadar
Knin
Split
0 50 km
limite des confins militaires de Croatie jusqu'en 1881
limite des communes à majorité serbe
pourcentage de la population serbe
%
50
30
0
communes de Croatie à forte population serbe
1 Knin
2 Benkovac
3 Obrovac
4 Gračac
5 Donji Lapac
6 Titova Korenica
7 Vojnić
8 Vrgin Most
9 Glina
10 Kostajnica
11 Dvor na Uni
12 Ogulin
13 Petrinja
14 Pakrac
15 Daruvar
16 Podravska Slatina
17 Vukovar

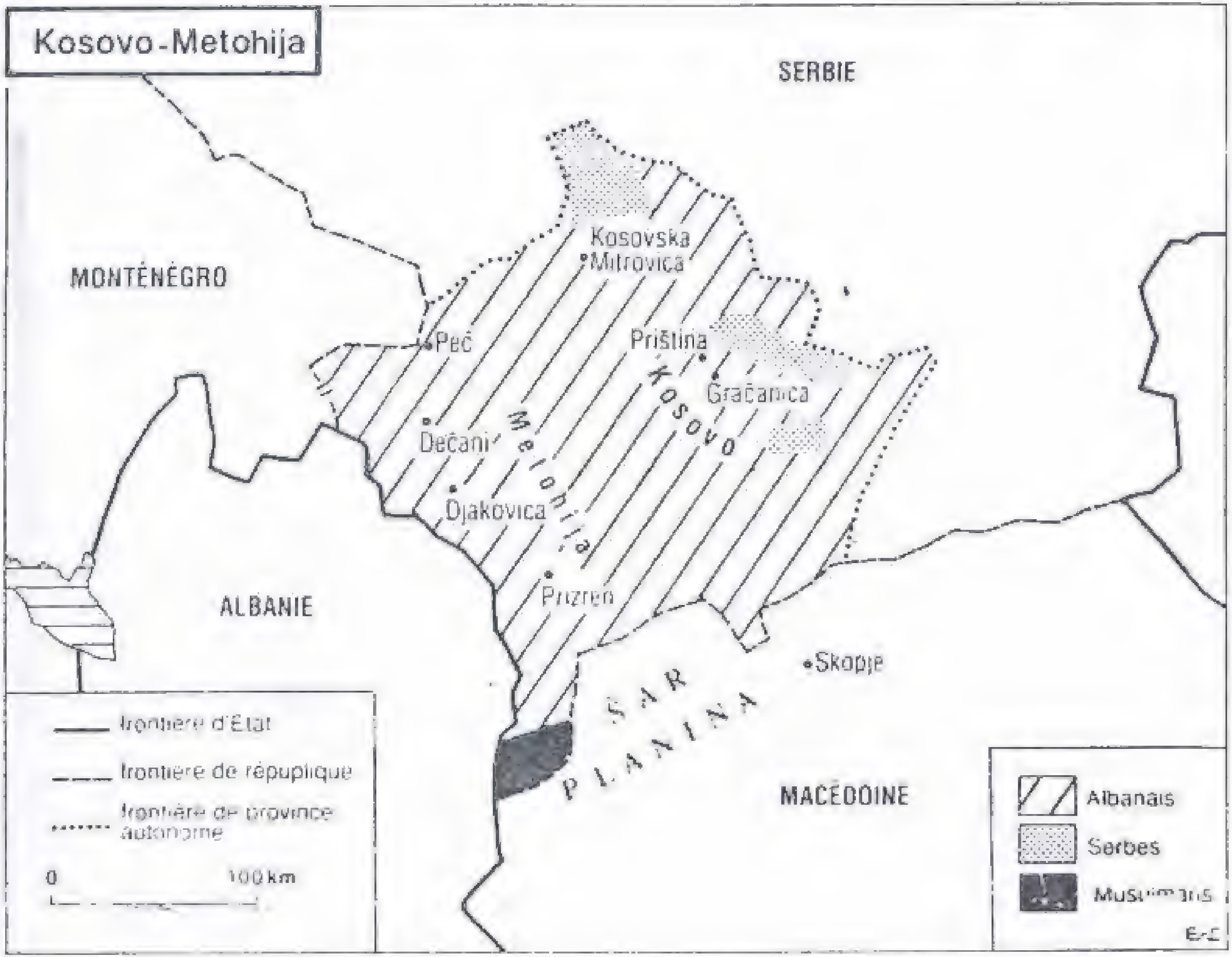


Bosnie-Herzégovine
Mur
Zagreb
Save
Drave
Danube
CROATIE
Voïvodine
Kupa
Sava
Bihać
Banja Luka
Bosna
Una
Drina
Belgrade
BOSNIE-
Drvar
Jajce
Travnik
Bratunac
Vrbas
SERBIE
Sarajevo
HERZÉGOVINE
Visegrad
Split
Neretva
Foča
Mostar
Neum
MONTÉNÉGRO
MER ADRIATIQUE
Dubrovnik
ALBANIE
frontière d'Etat
frontière de république
frontière de province autonome
Musulmans
Serbes
Croates
0
100 km
E-C

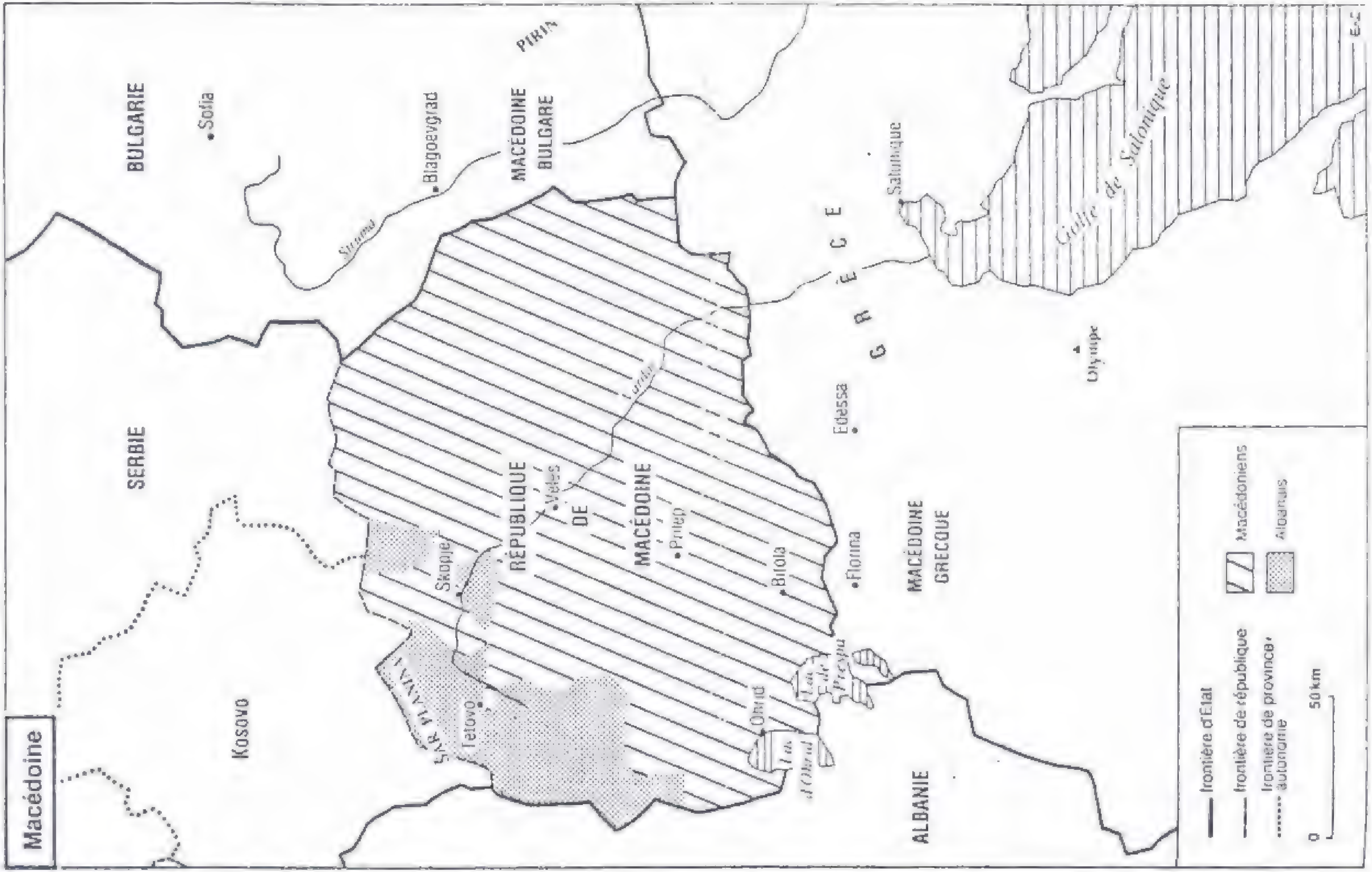

Voïvodine
HONGRIE
Szeged
Pécs
Subotica
Serbes
Hongrois
autres : (Croates, Slovaques, Roumains)
Baranja
Bačka
Timişoara
ROUMANIE
Osijek
CROATIE
Tisa
Cialova (Čakovo)
Vukovar
Novi Sad
Uzdin
Banat
Fruška Gora
Hopovo
Kovačica
Sirmie
Sremski Karlovci
BOSNIE
Sremska Mitrovica (Sirmium)
frontière d'Etat
frontière de république
frontière de province autonome
0
50 km
Belgrade
Danube
SERBIE


Serbie
(sans ses provinces autonomes)
ROUMANIE
Portes de Fer
Danube
BULGARIE
GRÈCE
Pirot
Caribrod
Timok
Bor
Niš
MACÉDOINE
Skopje
Morava
SANDŽAK
Požarevac
Priština
KOSOVO
Belgrade
Kraljevo
Studenica
Novi Pazar
Zemun
Voïvodine
Novi Sad
Užice
Tršić
Sava
BOSNIE-
HERZÉGOVINE
MONTÉNÉGRO
Titograd
ALBANIE
Serbes
Musulmans
Bulgares
Albanais
frontière d'Etat
frontière de république
frontière de province autonome
0
100km

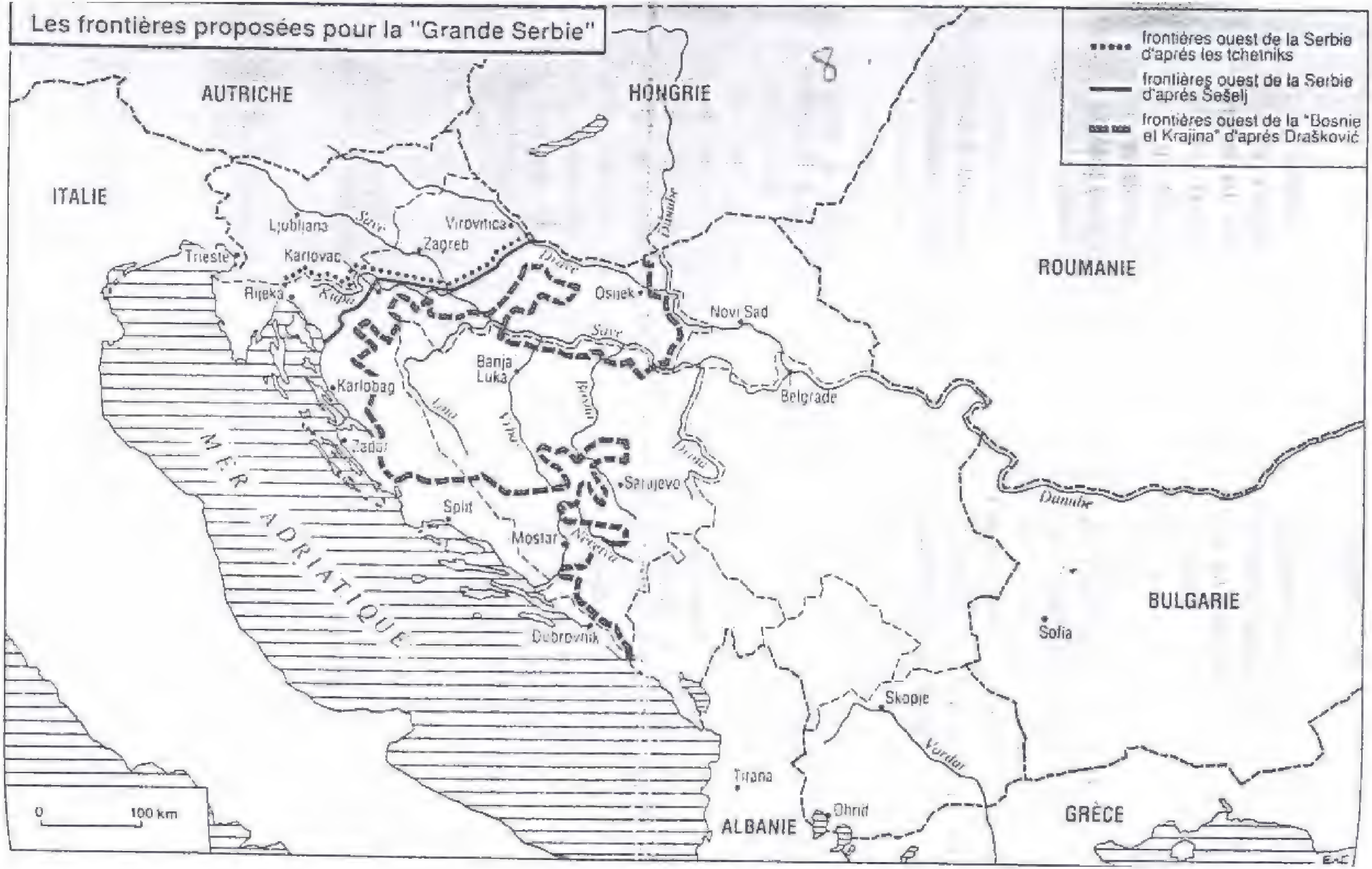

Monténégro
HERZÉGOVINE
Plevlja
SERBIE
SANDŽAK
MONTENEGRIN
CROATIE
Dubrovnik
Col de
Čakor
Kosovo-
Metohija
Gusinje
Kotor
Titograd
Bouches
de Kotor
Cetinje
frontière d'Etat
Bar
frontière de république
Shqodër
frontière de province
autonome
ALBANIE
0
100 km
Monténégrins
Musulmans
Albanais
Croates



Kosovo-Metohija
SERBIE
MONTÉNÉGRO
ALBANIE
MACÉDOINE
Kosovska
Mitrovica
Peć
Priština
Gračanica
Dečani
Djakovica
Prizren
Skopje
Metohija
Kosovo
ŠAR PLANINA
frontière d'Etat
frontière de république
frontière de province autonome
0
100 km
Albanais
Serbes


Macédoine
BULGARIE
Sofia
Blagoevgrad
MACÉDOINE BULGARE
PIRIN
Struma
SERBIE
Kosovo
RÉPUBLIQUE DE MACÉDOINE
Vardar
Veles
Skopje
Prilep
Bitola
Tetovo
Ohrid
ŠAR PLANINA
Lac d'Ohrid
Lac de Prespa
ALBANIE
GRÈCE
Edessa
Florina
MACÉDOINE GRECQUE
Salonique
Golfe de Salonique
Olympe
frontière d'État
frontière de république
frontière de province autonome
0
50 km
Macédoniens
Albanais


Les opérations en Croatie, 1991
Maribor
SLOVÉNIE
Ljubljana
Virovitica
Zagreb
Trieste
Karlovac
Rijeka
Istrie
Kordun
Banija
Pakrac
Slavonie
Baranja
Osijek
Dalj
Borovo
Vukovar
Bačka Palanka
Novi Sad
Ilok
Subotica
Voïvodine
Belgrade
Slunj
Plitvice
Bihać
Titova Korenica
Lika
Karlobag
Zadar
Knin
Šibenik
Split
Dalmatie
MER ADRIATIQUE
Banja Luka
BOSNIE
Sarajevo
Užice
Mostar
Novi Pazar
Ploče
Dubrovnik
Kotor
Titograd
Priština
"régions autonomes serbes"
1 Krajina
2 Slavonie orientale
extension approximative des zones de combat
0 100 km


Les frontières proposées pour la "Grande Serbie"
frontières ouest de la Serbie d'après les tchetniks
frontières ouest de la Serbie d'après Šešelj
frontières ouest de la "Bosnie et Krajina" d'après Drašković
AUTRICHE
HONGRIE
ITALIE
ROUMANIE
BULGARIE
ALBANIE
GRÈCE
MER ADRIATIQUE
Ljubljana
Trieste
Karlovac
Rijeka
Kupa
Save
Virovitica
Zagreb
Drave
Danube
Osijek
Novi Sad
Banja Luka
Karlobag
Zadar
Belgrade
Una
Vrbas
Bosna
Drina
Sarajevo
Split
Mostar
Neretva
Dubrovnik
Sofia
Skopje
Vardar
Tirana
Ohrid
0
100 km

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الخاتمـــة

الملاحق

ملحق (ا):

ملخص اتفاقيات دايتون

ملحق (II):

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الصفحة	المحتوى

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